

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O assessment on Mr X, Ms Y and their children who have remained in immigration detention for more than four and a half years. The previous assessment 1001444-O1 was tabled in Parliament on 18 October 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Family members	Mr X (and family)	Ms Y (wife)
Citizenship	Country A	Country A
Year of birth	1962	1968

Family details

Family members	Miss Z (daughter)	Master P (son)
Citizenship	Country A	Country A
Year of birth	2007	2010

Ombudsman ID	1001444-O2
Date of department's report	30 November 2017
Total days in detention	1,640 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, the family has continued to be placed in the community.¹

Recent visa applications/case progression

August 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant the family bridging visas.
November 2017	The Department of Home Affairs (the department) advised that consideration of the family's Temporary Protection visa (TPV) application remained ongoing.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X received treatment for medical concerns.

IHMS also advised that there had been no update regarding Mr X's position on a non-urgent waiting list for surgery.

¹ The family was granted a placement in the community under s 197AB and remains in immigration detention.

Ms Y

IHMS advised that Ms Y continued to be monitored by a general practitioner (GP) for mental health concerns.

Miss Z

IHMS advised that Miss Z was admitted to hospital for dental issues and related pain. She was reviewed by a dentist who identified concerns and a treatment option was approved by IHMS in accordance with community standards.

Master P

IHMS advised that Master P was monitored by a GP for a medical condition and was referred to a specialist for review.

IHMS also advised that Master P was reviewed by a dentist who identified concerns and a treatment option was approved by IHMS in accordance with community standards.

Ombudsman assessment

Mr X, Ms Y and their children were detained in June 2013 after arriving in Australia by sea and have remained in immigration detention, both in a detention facility and the community, for more than four and a half years.

At the time of the department's report, consideration of the family's TPV application remained ongoing and Mr X remained a person of interest to an external agency.

The Ombudsman notes IHMS's advice that there has been no update regarding Mr X's position on a non-urgent waiting list for surgery, on which he has remained for a prolonged period.