

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X, Ms Y and their children¹ who have remained in immigration detention for more than 90 months (seven and a half years). The previous assessment 1003499 was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X (and family)	Ms Y (wife)
Citizenship	Country A	Country A
Year of birth	1986	1989
Total days in detention	2,733 (at date of DIBP's latest report)	2,733 (at date of DIBP's latest report)

Family details

Family members	Master Z (son)	Miss P (daughter)
Citizenship	Stateless, ² born in Australia	Country A, born in Australia
Year of birth	2011	2013
Total days in detention	2,453 (at date of DIBP's latest report)	1,362 (at date of DIBP's latest report)

Ombudsman ID	1000374-O
Date of DIBP's reports	10 April 2017 and 9 October 2017

Recent detention history

Since the Ombudsman's previous assessment, the family has continued to be placed in the community.³

Recent visa applications/case progression

26 July 2017	The Minister lifted the bar under ss 46A and 48B of the <i>Migration Act 1958</i> to allow the family to lodge a temporary visa application.
15 September 2017	Lodged a Safe Haven Enterprise visa (SHEV) application.
10 October 2017	Mr X and Ms Y were invited to attend an interview in relation to their SHEV application.

¹ This is the second s 486O assessment on Miss P, who was previously reported on in Ombudsman assessment 1002295-O. For the purpose of reporting under s 486O, her timeline in detention has been aligned with her family and they are reported on together.

² Master Z's country of citizenship was previously recorded as Country A, until the department's review of 10 April 2017, which recorded him as stateless.

³ The family was granted a placement in the community under s 197AB and remains in immigration detention.

Health and welfare

Mr X and Miss P

International Health and Medical Services (IHMS) advised that Mr X and Miss P did not receive treatment for any major physical or mental health issues during this assessment period.

Ms Y

IHMS advised that Ms Y attended several appointments with an ear specialist in regard to a skin growth. She also engaged with a general practitioner (GP) and a psychologist for the management of depression, stress and anxiety.

Master Z

IHMS advised that Master Z underwent surgery after fracturing his leg. He attended a post-operative check-up with a GP in March 2017 and no concerns were identified.

Case status

Mr X, Ms Y and their children were detained on 16 April 2010 and have remained in immigration detention, both in a detention facility and the community, for more than seven and a half years.

On 26 July 2017 the Minister lifted the bar under ss 46A and 48B to allow the family to apply for a temporary visa and on 15 September 2017 the family lodged a SHEV application.