

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X, Ms Y and their family¹ who have remained in immigration detention for a cumulative period of more than three and a half years. The previous assessment 1002460-O was tabled in Parliament on 13 September 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X (and family)	Ms Y (wife)
Citizenship	Country A	Country A
Year of birth	1973	1972
Total days in detention	1,276 (at date of department's latest report)	1,276 (at date of department's latest report)

Family details

Family members	Miss Z (daughter)	Master P (son)	Master Q (son)
Citizenship	Country A	Country A	Country A, born in Australia
Year of birth	2000	2004	2015
Total days in detention	1,276 (at date of department's latest report)	1,276 (at date of department's latest report)	943 (at date of department's latest report)

Ombudsman ID	1002460-O1
Date of department's reports	23 July 2017 and 22 January 2018

Recent detention history

Since the Ombudsman's previous assessment, the family has continued to be placed in the community.²

Recent visa applications/case progression

The Department of Home Affairs (the department) has advised that under current policy settings the family is not eligible to have their protection claims assessed in Australia and remains liable for transfer back to a Regional Processing Centre (RPC) on completion of their treatment.	
July 2017 and January 2018	The department advised that it is supporting the government of Nauru to finalise the Refugee Status Determination of the family while they remain temporarily in Australia for medical treatment.

¹ Master Q was born in Australia and was subject to an individual assessment under s 486N of the *Migration Act 1958*. He was previously reported on in Ombudsman assessment 1002695-O and is now included in his family's assessment.

² The family was granted a placement in the community under s 197AB and remains in immigration detention.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment for chronic pain. He was reviewed by a neurosurgeon who advised that Mr X may have nerve compression and advised that further investigative testing was required to determine whether he might require surgery. An appointment was pending at the time of IHMS's latest report.

IHMS further advised that Mr X had previously disclosed a history of torture and trauma and continued to engage with specialist counselling for feelings of anxiousness, stress and depression.

Ms Y

IHMS advised that Ms Y continued to be prescribed with medication for the management of migraines and was referred for investigate testing for a medical condition.

IHMS further advised that Ms Y was referred for psychological counselling after she presented to a general practitioner (GP) with symptoms of depression.

Miss Z

IHMS advised that Miss Z had previously disclosed a history of torture and trauma and continued to display symptoms of anxiety, panic attacks and depression related to her family's immigration status and the possibility of being returned to Nauru. She was admitted to hospital and was subsequently placed on an ongoing monitoring safety plan due to welfare concerns and was referred to specialist counselling. Miss Z advised that she was experiencing ongoing flashbacks, nightmares and intrusive thoughts relating to further reported torture and trauma exposure associated with the time she spent in detention facilities. A treating psychiatrist advised that Miss Z displayed symptoms of post-traumatic stress disorder and she was prescribed with antidepressant medication. At the time of IHMS's latest report she was awaiting an appointment with a specialist youth mental health service.

IHMS further advised that Miss Z received treatment for heart palpitations and regular migraines.

Master P

IHMS advised that Master P was referred to specialist counselling and a treating counsellor noted that he presented with persistent nightmares, low mood and stress related to his journey to Australia, prolonged detention and his family's circumstances. Further counselling sessions were recommended.

IHMS further advised that Master P continued to be monitored by a GP for additional medical concerns.

Master Q

IHMS advised that Master Q continued to receive treatment for tonsillitis and dental concerns.

Ombudsman assessment

The family was detained in September 2013 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than three and a half years.

The family was transferred to an RPC and returned to Australia for medical treatment. The department advised that because the family arrived after 19 July 2013 they remain liable for transfer back to an RPC on completion of their treatment.

The Ombudsman's previous assessments recommended that priority be given to resolving the family's immigration status while noting ongoing mental and physical health concerns.

On 13 September and 6 December 2017 the Minister advised that the department is supporting the Government of Nauru to finalise the family's Refugee Status Determination while they remain in Australia.

The family's return to an RPC is likely to be protracted due to their ongoing mental and physical health concerns.

IHMS has advised that Miss Z continued to display ongoing suicidal ideation and required ongoing safety monitoring for symptoms of anxiety and depression related to her family's immigration status and the possibility of being returned to Nauru. A treating counsellor further noted that Master P presented with persistent nightmares, low mood and stress related to his journey to Australia, prolonged detention and his family's circumstances

It appears likely that the family will remain in detention for a prolonged and uncertain period while they receive medical treatment, posing a serious risk to their mental and physical health.