

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 and his brother Master Y who have remained in immigration detention for more than four and a half years. The previous assessment 1002538-O was tabled in Parliament on 13 September 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X (and brother)
Citizenship	Country A
Year of birth	1999

Family details

Family members	Master Y (brother)
Citizenship	Country A
Year of birth	2002

Ombudsman ID	1002538-O1
Date of department's report	25 October 2017
Total days in detention	1,640 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X and Master Y continued to be placed in the community. ¹	
October 2017	Mr X was granted a Final Departure Bridging visa (FDBV) and released from immigration detention.

Recent visa applications/case progression

October 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
October 2017	Mr X and Master Y's application for judicial review in the Federal Circuit Court of the Immigration Assessment Authority's decision to affirm the refusal of their Safe Haven Enterprise visa application remained ongoing at the time of the Department of Home Affairs' (the department) report. A hearing was scheduled for October 2019.
October 2017	Mr X was granted an FDBV.

¹ Mr X and Master Y were granted a placement in the community under s 197AB and remained in immigration detention. The department advised that in May 2017 Mr X was transferred to an alternative community placement address on a temporary basis while Master Y remained in an unaccompanied minor property under the care of a service provider.

May 2018	<p>The department advised that Master Y will not be considered for the grant of a bridging visa while he remains a minor.</p> <p>The department further advised that Master Y continues to be placed in the community under the care of a service provider while Mr X resides at a nearby address.</p>
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Health and welfare

Mr X and Master Y

International Health and Medical Services advised that Mr X and Master Y did not receive treatment for any major physical or mental health issues during this assessment period.

Case status

Mr X and Master Y have been found not to be owed protection under the *Migration Act 1958* 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 they were awaiting the outcome of judicial review.

Mr X was granted an FDBV in October 2017 and was released from immigration detention.

The department has advised that Master Y will not be considered for the grant of a bridging visa while he remains a minor and that he continues to be placed in the community under the care of a service provider in close proximity to his brother.