

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X and his family who have remained in immigration detention for more than 36 months (three years).

The first report 1001667 was tabled in Parliament on 29 October 2014. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X ¹ (and family)
Citizenship	Country A
Year of birth	1983

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1989	2010

Ombudsman ID	1002152
Date of DIBP's reports	2 January 2015 and 2 July 2015
Total days in detention	1,103 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001667), Mr X and his family have remained in community detention. Mr X and Ms Y's youngest daughter, Miss Q,² also lives with the family.

Recent visa applications/case progression

31 July 2014	Mr X and Ms Y were issued with a letter inviting them to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ³
7 August 2014	Mr X and his family provided their response and DIBP advised it was assessing whether they had raised further protection claims.
2 September 2014	Mr X and Ms Y lodged a Protection visa application on behalf of their daughter Miss Q.
10 November 2014	Miss Q's Protection visa application was refused.
17 November 2014	Appealed to the Refugee Review Tribunal (RRT).

¹ Mr X's first name was previously recorded as R, until DIBP's review of 2 July 2015, which recorded it as S.

² Mr X and Ms Y's second child, Miss Q, was born in Australia in May 2013 and is the subject of Ombudsman report 1002719.

³ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

16 January 2015	DIBP commenced an International Treaties Obligations Assessment (ITOA) in order to assess whether the family's case engaged Australia's <i>non-refoulement</i> obligations.
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Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.
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Ms Y

15 September 2014	During a consultation with a general practitioner (GP), Ms Y declined further treatment for postnatal depression and advised that her mental health had improved.
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Miss Z

15 September 2014	Following a blood test, the GP identified that Miss Z was experiencing inflammation. The cause of the inflammation was unknown and the GP ordered further diagnostic tests and referred her to a paediatrician for review. IHMS further reported that Miss Z complained of pain in her shins. The GP believed the pain was caused by a vitamin D deficiency and she continued to be monitored by her GP.
3 March 2015	Diagnostic tests identified abnormalities in her blood. Ms Y advised that her daughter did not attend the paediatrician appointment made two months prior. The GP referred Miss Z to a hospital paediatric clinic for further assessment.

Information provided by Mr X

The Ombudsman's office tried to contact Mr X to discuss his community detention circumstances but was unsuccessful.

Case status

Mr X and his family have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. DIBP advised that the family is awaiting the outcome of the ITOA. Mr X and Ms Y are also awaiting the outcome of their appeal to the RRT in relation to their daughter's Protection visa application.
