

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 1001675 was tabled in Parliament on 3 December 2014. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1972

Family details

Family members	Ms Y (wife)	Master Z (son)	Master Q (son)
Citizenship	Country A	Country A	Country A
Year of birth	1973	1998	2001

Ombudsman ID	1002162
Date of DIBP's reports	5 January 2015 and 6 July 2015
Total days in detention	1,103 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001675), Mr X and his family have remained in community detention.

Recent visa applications/case progression

23 July 2014	Mr X and his family 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. ¹
31 July 2014	Mr X and his family provided their response and DIBP advised that it was assessing whether they had raised further protection related claims as a result of the privacy breach.
3 December 2014	Federal Circuit Court affirmed original decision.
9 December 2014	Requested judicial review by the Full Federal Court (FFC).
10 December 2014	FFC hearing adjourned.
26 February 2015	FFC hearing was adjourned. DIBP advised that the hearing was scheduled for 24 August 2015.

¹ 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.

Health and welfare

Mr X

30 September 2014	International Health and Medical Services (IHMS) advised that Mr X presented to his general practitioner (GP) following ongoing right shoulder pain. He was prescribed with pain relief medication.
January 2015	Presented to his GP with ongoing pain in both arms. He was prescribed with an alternative course of pain relief medication and he was monitored by his GP.

Ms Y

June 2014 - June 2015	IHMS advised that there were no reported issues in relation to Ms Y's hearing loss during this reporting period.
15 October 2014	Presented to her GP with a history of abdominal pain. An ultrasound was conducted with no abnormalities identified.
25 September 2013 - ongoing	IHMS reported that Ms Y has a history of torture and trauma, depression and post-traumatic stress disorder. IHMS advised that she continued to receive psychological counselling with further sessions approved in July 2014.

Master Z

18 November 2014	Referred to a psychologist following low mood. IHMS reported that it had approved six counselling sessions, but there was no documentation to indicate if Master Z had attended any sessions.
------------------	---

Master Q

IHMS advised that Master Q did not require treatment for any major physical or mental health issues since its previous report to the Ombudsman.

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. They are awaiting the outcome of judicial review.
--