

**ASSESSMENT (ABRIDGED) 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, Ms Y and their daughter who remained in immigration detention for more than 66 months (five and a half years).

The first assessment 1001345 was tabled in Parliament on 28 May 2014, the second assessment 1001563 was tabled in Parliament on 18 March 2015 and the third assessment 1002546 was tabled in Parliament on 14 September 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A, born in Country B
<b>Year of birth</b>	1955
<b>Ombudsman ID</b>	1000908-O
<b>Date of DIBP's reviews</b>	17 November 2016 and 18 May 2017
<b>Total days in detention</b>	2,004 (at date of DIBP's latest review)

**Recent detention history**

20 June 2017	Mr X, Ms Y and their daughter Ms Z were granted bridging visas and were released from community detention.
--------------	--

**Recent visa applications/case progression**

The Department of Immigration and Border Protection (the department) advised that the family's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC), which found that the International Treaties Obligations Assessment (ITOA) process undertaken by the department was procedurally unfair. <sup>1</sup>	
The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair. <sup>2</sup>	
3 January 2017	Mr X and his family lodged a Safe Haven Enterprise visa application.

**Health and welfare**

Mr X was provided with treatment for physical health concerns, including diabetes and heart disease.
Ms Y received treatment and counselling for a range of mental health concerns, including a history of torture and trauma and major depressive disorder, and was identified as being at an elevated risk of suicide.
Ms Z also received treatment and counselling for a range of mental health concerns, including anxiety and an adjustment disorder, and was provided with treatment for multiple physical health concerns.

<sup>1</sup> *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

<sup>2</sup> *Minister for Immigration and Border Protection v SZSSJ* [2016] HCA 29.

**Case status**

Mr X and his family were granted bridging visas on 20 June 2017 and were released from immigration detention.