

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fifth s 486O assessment on Mr X and his children who have remained in immigration detention for more than 78 months (six and a half years). The previous assessment 1000765-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X (and children)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1974

### Family details

<b>Family members</b>	Master Y (son)	Miss Z (daughter)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	2003	2006

<b>Ombudsman ID</b>	1000765-O1
<b>Date of DIBP's reports</b>	4 January 2017 and 5 July 2017
<b>Total days in detention</b>	2,368 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous assessment (1000765-O), Mr X and his children have remained in community detention.
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### Recent visa applications/case progression

4 January 2017	The Department of Immigration and Border Protection (the department) advised that it was exploring options to allow further assessment of Mr X and his children's protection claims in relation to the privacy breach. <sup>1</sup>
27 May 2017	Mr X and his children's case was referred on a ministerial submission for consideration to lift the bar under s 46A of the <i>Migration Act 1958</i> to allow the family to lodge a temporary visa application.
5 July 2017	The department advised that Mr X and his children have been identified for possible referral to the Minister for consideration under s 195A for the grant of a bridging visa.

### Health and welfare

International Health and Medical Services advised that Mr X and his children did not receive treatment for any major physical or mental health issue during this assessment period.
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<sup>1</sup> In a media release dated 19 February 2014 the Minister advised that an immigration detention statistics report was released on the department's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as the department became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by the department.

**Case status**

Mr X and his children have been found not to be owed protection under the Refugee Convention and the complementary protection criterion and have remained in detention for more than six and a half years.

On 4 January 2017 the department advised that it was exploring options to allow further assessment of Mr X and his children's protection claims in relation to the privacy breach.