

**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 Ms X and her nephew Mr Y who have remained in immigration detention for more than 42 months (three and a half years).

The first report 1002554 was tabled in Parliament on 6 May 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X (and nephew)
Citizenship	Country A
Year of birth	1977

Family details

Family members	Mr Y (nephew)
Citizenship	Country A
Year of birth	1997

Ombudsman ID	1001383-O
Date of DIBP's reports	17 May 2016 and 15 November 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002554), Ms X and her nephew Mr Y have remained in community detention.

Recent visa applications/case progression

29 July 2016	The Federal Circuit Court heard Ms X and Mr Y's application for judicial review of the decision of the Administrative Appeals Tribunal to affirm the decision to refuse their Temporary Protection Visa application. Judgment was reserved.
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Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X received treatment for physical health matters including a previous history of breast cancer, hepatitis B and type 2 diabetes.	
4 April 2016 – 7 April 2016	Admitted to a hospital for a planned hysterectomy which was a risk reduction procedure following diagnosis and treatment of breast cancer. The surgery had been planned for an earlier time but was postponed until uncontrolled diabetes was stabilised.

Mr Y

IHMS advised that Mr Y did not require treatment for any major physical or mental health issues during the period reported on.

Case status

Ms X and her nephew Mr Y have been found not to be owed protection under the Refugee Convention and the complementary protection criterion and have been held in detention for more than three and a half years. At the time of the department's latest review Ms X and Mr Y were awaiting the outcome of judicial review.