

## 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 1001694 was tabled in Parliament on 22 October 2014. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A, born in Country B
<b>Year of birth</b>	1970

### Family details

<b>Family members</b>	Ms Y (wife)	Master Z (son)
<b>Citizenship</b>	Country A, born in Country B	Country A, born in Country B
<b>Year of birth</b>	1973	2002

<b>Family members</b>	Master Q (son)	Miss R (daughter)	Miss S (daughter)
<b>Citizenship</b>	Country A, born in Country B	Country A, born in Country C	Country A, born in Country C
<b>Year of birth</b>	2003	2009	2012

<b>Ombudsman ID</b>	1002171
<b>Date of DIBP's reports</b>	5 January 2015 and 7 July 2015
<b>Total days in detention</b>	1,097 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001694), Mr X and his family have remained in community detention.

### Recent visa applications/case progression

22 August 2014	The Refugee Review Tribunal remitted the family's case to the Department of Immigration and Border Protection (DIBP) for reconsideration.
5 January 2015	DIBP advised that the family's protection claims will not be progressed until Mr X's security clearance is resolved.  DIBP further advised that the family's identity has been accepted for the purpose of assessing their claims for protection.

## Health and welfare

### Mr X

1 August 2014	International Health and Medical Services (IHMS) reported that Mr X presented to his general practitioner (GP) following wheezing and shortness of breath. He was diagnosed with asthma and was prescribed with an inhaler and cough medicine.
17 October 2014	Referred for an ultrasound following numbness in his left arm radiating to his hand.
31 October 2014	An ultrasound identified a benign mass compressing on the ulnar nerve causing the numbness.
November 2014	Referred to a neurologist for further evaluation and management of the benign mass.
6 February 2015	Referred to a podiatrist following ongoing numbness in his feet. IHMS declined the referral as the matter was not considered to meet the eligibility criteria. IHMS informed Mr X's GP that future referrals may be approved as part of a chronic disease management plan.
25 May 2015	Attended a neurologist appointment in relation to ongoing numbness in his left arm and hand. IHMS advised it has not received the neurologist's report.

### Ms Y

20 February 2015	Presented to a GP following chronic bilateral ankle swelling. She was referred for an ultrasound on both ankles with normal results identified. The GP identified that Ms Y had plantar fasciitis. She was prescribed with treatment and referred to a physiotherapist.
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### Master Z

4 July 2015	Master Z remained on the waiting list to see a dermatologist. IHMS advised that an appointment date was scheduled for 13 August 2015.
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### Master Q

2 July 2015	Master Q remained on the waiting list to see a dermatologist. IHMS advised that an appointment date was scheduled for 13 August 2015.
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### Miss R

29 September 2014	Admitted to hospital following ongoing dental issues. Surgery was conducted for the restoration and extraction of several teeth and she was discharged the same day.
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Miss S

3 July 2015	IHMS reported that Miss S has a history of asthma, coughing and nasal congestion. IHMS advised that she is monitored by her GP and prescribed medication as required.
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### **Information provided by Mr X**

During a telephone conversation with Ombudsman staff on 22 September 2015 Mr X said he had not spoken to his case manager for about six months and was not sure of the status of his immigration case.

Mr X advised that he would like to be granted a visa so that he can find employment and not be a burden on the Australian Government. He also noted that many of his friends and family have been granted visas and that his family are all a 'little depressed' because they are yet to be granted visas.

Mr X said he and his wife spend their time looking after their children and their home. He also said he visits his parents who live in City D.

### **Ombudsman assessment**

Mr X and his family have been found to be owed protection under the Refugee Convention. Mr X is awaiting the outcome of his security assessment before DIBP can progress the family's protection claims.

The Ombudsman notes that Mr X's security assessment was referred to the Australian Security Intelligence Organisation in April 2013 and remained outstanding at the time of writing this report.

The Ombudsman notes with concern that Mr X has been waiting for a period of almost two and a half years for his security assessment outcome. The Ombudsman makes no recommendations in this report.