

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Ms X and her son¹ who have remained in immigration detention for more than 48 months (four years).

The first assessment 1002690 was tabled in Parliament on 24 February 2016 and the second assessment 1001501-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Ms X (and son)
Citizenship	Country A
Year of birth	1988
Total days in detention	1,459 (at date of DIBP's latest review)

Family details

Family members	Master Y (son)
Citizenship	Country B, born in Australia
Year of birth	2014
Total days in detention	853 (at date of DIBP's latest review)

Ombudsman ID	1001501-O1
Date of DIBP's reviews	4 December 2016, 2 February 2017 and 5 June 2017

Recent detention history

Since the Ombudsman's previous assessment (1001501-O), Ms X and Master Y have remained in community detention.
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Recent visa applications/case progression

The Department of Immigration and Border Protection (the department) advised that Ms X and Master Y are on a removal pathway and are cooperating with the department to facilitate their removal.	
The department advised that there are a number of barriers to removal because Ms X has a different country of citizenship to Master Y and her husband ² and the department is currently exploring removal options for Ms X and Master Y.	
4 December 2016	The department advised that Ms X made a ministerial request to the Immigration Minister of Country B to obtain lawful entry to Country B. The request was declined and she was directed to make an application for a visa.

¹ This is the first assessment on Master Y who was detained on 3 February 2015 under s 189(1) of the *Migration Act 1958* following his birth to parents in immigration detention. On 1 April 2016 he and his mother were transferred to community detention. He has remained in immigration detention for more than 30 months (two and a half years).

² Ms X's husband, Mr Z, is a citizen of Country B. He was involuntarily removed from Australia in September 2014.

5 June 2017	The High Commission of Country A advised the department that Master Y would be able to travel to Country A and apply for a visitor visa on arrival because he is a citizen of Country B.
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Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X did not receive treatment for any major physical or mental health issues during this assessment period.

Master Y

IHMS advised that Master Y attended an interview with a children's service in March 2017 which noted significant communication difficulties and social and emotional developmental delays. It was recommended that he attend childcare for social interaction with children his own age. He was reviewed by a general practitioner and scheduled to attend an appointment with a speech pathologist in May 2017.

IHMS further advised that Master Y received treatment for multiple physical health conditions including hand, foot and mouth disease and gastroenteritis.

Case status

Ms X and Master Y have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. Ms X has remained in detention for more than four years and Master Y has remained in detention for more than two and a half years. They have no matters before the department, the courts or tribunals and are on a removal pathway.

The department advised that it is currently exploring removal options for the Ms X and Master Y.