

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, Ms Y and their sons who have remained in immigration detention for more than five and a half years. The previous assessment 1001037-O1 was tabled in Parliament on 7 February 2018. This assessment provides an update and should be read in conjunction with the previous assessments.

Family members	Mr X (and family)	Ms Y (wife)
Citizenship	Country A	Country A
Year of birth	1972	1973

Family details

Family members	Mr Z (son)	Master P (son)
Citizenship	Country A	Country A
Year of birth	1998	2001

Ombudsman ID	1001037-O2
Date of department's report	28 December 2017
Total days in detention	2,009 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X, Ms Y and Master P have continued to be placed in the community¹ and Mr Z has remained in a correctional facility.

Recent visa applications/case progression

July 2017	The family attended a hearing at the Administrative Appeals Tribunal in relation to their application for merits review of the Department of Home Affairs' (the department) decision to refuse their Safe Haven Enterprise visa application. The matter remains ongoing.
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Other legal matters

Mr Z was scheduled to attend trial in November 2018 in relation to his outstanding criminal matters.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X received treatment for medical conditions.

IHMS further advised that Mr X was referred for psychological counselling for the management of a mental health condition but did not attend the appointment.

¹ The family was granted a placement in the community under s 197AB and remains in immigration detention.

Ms Y

IHMS advised that Ms Y attended counselling sessions in July and August 2017 after presenting with symptoms of a mental health concern related to thoughts of being involuntarily returned to Country A and her son's upcoming court matters. In October 2017 she was referred to a psychiatrist for ongoing mental health concerns and family issues.

Mr Z

The department advised that Mr Z's health and welfare continued to be managed by corrective services.

Master P

IHMS advised that Master P attended seven appointments with a psychiatrist during November 2016 to February 2017 for ongoing symptoms. IHMS advised that Master P declined to engage in psychotherapeutic work and was prescribed medication.

A case conference was undertaken relating to Master P's mental health concerns and he was referred to a psychologist in November 2017 and at the time of IHMS's report this appointment was pending.

August 2017	An Incident Report recorded that Master P was admitted to hospital.
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Case status

Mr X and his family have been found not to be owed protection under the *Migration Act 1958* and have remained in immigration detention, both in a detention facility and the community, for more than five and a half years.

Mr Z remains in immigration detention in a correctional facility awaiting trial scheduled for 26 November 2018.

At the time of the department's report the family was awaiting the outcome of merits review.