

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 Mr X who has remained in immigration detention for more than 54 months (four and a half years).

The first assessment 1001814 was tabled in Parliament on 3 June 2015 and the second assessment 1003363 was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1961
Ombudsman ID	1001101-O
Date of DIBP's reviews	21 August 2016 and 20 February 2017
Total days in detention	1,641 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1003363), Mr X has remained at Facility B.

Recent visa applications/case progression

23 November 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
16 March 2017	The Federal Circuit Court dismissed Mr X's application for judicial review of the Refugee Review Tribunal's decision to affirm the refusal of his Protection visa application.
14 July 2017	The Department of Immigration and Border Protection (the department) advised that the planned voluntary removal of Mr X had been scheduled.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X continued to receive medication for insomnia. At a review with a general practitioner on 14 November 2016 he presented with symptoms of depression and was placed on a one-week trial of antidepressant medication. This was ceased due to non-compliance.</p> <p>IHMS further advised that Mr X remained on a hepatitis C care plan with review as required and received treatment for lower back pain.</p>
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Information provided by Mr X

During an interview with Ombudsman staff at Facility B in May 2017 Mr X advised that he was leaving Australia as he had no choice. A passport was being arranged and no date for his departure had been set as yet.

He advised that he was seven when he came to Australia and had been here nearly 50 years. He had six children in Australia and four generations of his family were here including his mother, aged 82, who was unwell. He said he had been declared to be an absorbed person.

He stated that he had nothing to fall back on in Country A as he had no savings, no superannuation and no network. He said he was being given \$350 and two weeks accommodation upon his return to Country A but was concerned because he would not be eligible for government support payments for six-weeks.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in an immigration detention facility for more than four and a half years. He has no matters before the department, the courts or tribunals and has been scheduled for voluntary removal.