

**REPORT BY THE COMMONWEALTH AND  
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

*Under s 486O of the Migration Act 1958*

This is the third s 486O report on Mr X who has remained in immigration detention for a cumulative period of more than 54 months (four and a half years).

The first report 1178/13 was tabled in Parliament on 26 June 2013 and the second report 1002155 was tabled in Parliament on 3 February 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1983
<b>Ombudsman ID</b>	1000151-O
<b>Date of DIBP's reports</b>	8 December 2015 and 7 June 2016
<b>Total days in detention</b>	1640 (at date of DIBP's report)

**Recent detention history**

Since the Ombudsman's previous report (1002155), Mr X has remained at Yongah Hill Immigration Detention Centre.

**Recent visa applications/case progression**

1 September 2015	Requested judicial review of his negative International Treaties Obligations Assessment outcome by the Federal Circuit Court (FCC). The FCC dismissed the application on 18 September 2015.
27 October 2015	The United Nations Committee against Torture (UNCAT) notified the Department of Immigration and Border Protection (DIBP) of a complaint lodged by Mr X. The Australian Government was required to respond to the admissibility and merits of Mr X's complaint by 26 April 2016.  DIBP also received an Interim Measures Request (IMR) requesting that Mr X's involuntary removal be suspended while his complaint is under consideration.
27 April 2016	The Attorney-General's Department responded to UNCAT and requested that the IMR be lifted.
7 June 2016	DIBP advised that UNCAT declined the request to lift the IMR. The matter remains ongoing.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X was reviewed by a psychologist and monitored by the mental health team after presenting with trauma symptoms and depression. IHMS advised that he ceased taking anti-depressant medication following improvements in his mental health, however he accepted a referral for specialist torture and trauma counselling.

IHMS further advised that Mr X continues to be monitored by IHMS for lower back pain.

**Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion.

On 27 October 2015 DIBP was issued with an IMR by UNCAT requesting that Mr X's involuntary removal be suspended while his complaint is under consideration.