

ASSESSMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who remained in restricted immigration detention for more than 48 months (four years).

The first assessment 1002257 was tabled in Parliament on 9 September 2015 and the second assessment 1003264 was tabled in Parliament on 31 August 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	1980
Ombudsman ID	1001246-O
Date of DIBP's reviews	13 August 2016 and 13 February 2017
Total days in detention	1,460 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1003264), Mr X remained at Yongah Hill Immigration Detention Centre.	
April 2017	Mr X was released from restricted detention when he was involuntarily removed from Australia.

Recent visa applications/case progression

28 June 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
27 July 2016	The Minister appealed the Full Federal Court decision ¹ regarding the International Treaties Obligations Assessment (ITOA) process and the High Court found that the ITOA process was not procedurally unfair. ² The Department of Immigration and Border Protection (the department) advised that it is considering the implications of this judgment.
21 November 2016	Found not to meet the guidelines for referral to the Minister under s 195A.
2 February 2017	The Federal Circuit Court (FCC) issued an injunction preventing the removal of Mr X pending the final determination of judicial review regarding the department's negative ITOA decision. The case was listed for hearing on 8 February 2017.
8 February 2017	The FCC reserved judgement on Mr X's application and ordered that the injunction remain until further orders of the FCC.

¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

² *Minister for Immigration and Border Protection v SZSSJ* [2016] HCA 29.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment and attended counselling for anxiety and depression. He was prescribed with anti-depressant medication and was monitored by the mental health team. Mr X reported symptoms of dizziness, fatigue, sleep disturbance and loss of appetite associated with his ongoing concerns regarding his immigration status.

IHMS further advised Mr X had been treated for a hand fracture.

Case Status

Mr X was involuntarily removed from Australia in April 2017.