

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the second s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 42 months (three and a half years).

The first assessment 1002247-O was tabled in Parliament on 23 November 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1002247-O1
<b>Date of DIBP's reviews</b>	9 December 2016 and 1 June 2017
<b>Total days in detention</b>	1,276 (at date of DIBP's latest review)

### Recent detention history

Since the Ombudsman's previous assessment (1002247-O), Mr X remained at Villawood Immigration Detention Centre.	
9 June 2016	Transferred to Facility B.

### Recent visa applications/case progression

6 July 2016	Issued with a Notice of Intention to Consider Refusal (NOICR) of his Temporary Protection visa (TPV) application under s 501 of the <i>Migration Act 1958</i> . Mr X responded to the NOICR on 24 July 2016 and 25 July 2016.
19 August 2016	The Department of Immigration and Border Protection (the department) provided Mr X with further information that may be taken into account when considering whether to refuse his visa application. Mr X provided a response on 22 August 2016.
8 December 2016	The Minister refused Mr X's TPV application under s 501.
16 February 2017	Applied to the Federal Court (FC) for judicial review.
16 May 2017	The FC remitted Mr X's application to the department for reconsideration.

### Criminal history

16 December 2016	Mr X's appeal against his previous conviction of indecent treatment of a child under 16 years of age was dismissed.
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### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X requested a referral to a psychologist on 14 October 2016 to assist him manage situational stressors related to his immigration detention.  IHMS further advised that Mr X was provided with treatment for shoulder pain and a muscle strain.
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30 June 2016 – 4 May 2017	Incident Reports recorded that Mr X was allegedly the victim of numerous minor assaults.
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### Recent detention incidents

Incident Reports recorded that Mr X was allegedly involved in numerous behavioural incidents during this assessment period, including altercations with other detainees and displaying abusive behaviour towards detention centre staff.
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### Other matters

23 August 2016	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman (the Office) in relation to the management of his previous complaint with the Office. The matter was further investigated and on 3 February 2017 the complaint was finalised.
22 September 2016	Mr X lodged a further complaint with the Office in relation to the conduct of Serco officers at Facility B. The department provided a response on 23 November 2016 and on 16 March 2017 the complaint was finalised.
7 December 2016	The Australian Human Rights Commission informed the department that it was no longer investigating a complaint lodged by Mr X.

### Case status

<p>Mr X was detained on 19 June 2012 after arriving in Australia by sea and has been held in an immigration detention facility for a cumulative period of more than three and a half years.</p> <p>The Ombudsman’s previous assessment (1002247-O) recommended that priority be given to exploring options to enable the resolution of Mr X’s immigration status.</p> <p>On 23 November 2016 the Minister noted the recommendation and advised that a submission was being prepared by the department for consideration under s 501.</p> <p>On 8 December 2016 Mr X’s TPV application was refused under s 501 and on 16 February 2017 he applied to the FC for judicial review. On 16 May 2017 the FC remitted Mr X’s application to the department for reconsideration.</p>
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