

## 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 who has remained in restricted immigration detention for a cumulative period of more than 72 months (six years).<sup>1</sup> The previous assessments are:

1001019 tabled in Parliament on 11 December 2013

1001434 tabled in Parliament on 27 August 2014

1001749 tabled in Parliament on 18 March 2015

1002388 tabled in Parliament on 8 November 2016

This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1962
<b>Ombudsman ID</b>	1000819-O
<b>Date of DIBP's reviews</b>	4 October 2016 and 31 March 2017
<b>Total days in detention</b>	2,184 (at date of DIBP's latest review)

### Recent detention history

Since the Ombudsman's previous assessment (1002388), Mr X has remained at Facility B.
---

### Recent visa applications/case progression

21 April 2016 – 29 March 2017	Attended hearings before the Federal Court (FC) in relation to his claim for damages for personal injury, unlawful arrest and false imprisonment arising from his detention at Facility B. A further hearing was scheduled for 13 June 2017.
26 September 2016 – 28 September 2016	Attended hearings before the Administrative Appeals Tribunal (AAT) in relation to his applications for merits review of the Department of Immigration and Border Protection's (the department) decision to refuse his Country A entry permit application.
29 September 2016	AAT reserved its decision.

---

<sup>1</sup> The Ombudsman's previous assessment 1002388 incorrectly stated that Mr X had remained in detention for a cumulative period of 48 months. The correct period was 60 months.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X presented with symptoms of anxiety and insomnia related to situational stress and his prolonged detention. In October 2016 he was reviewed by a psychiatrist and diagnosed with an adjustment disorder with depressed mood. He was prescribed with medication and referred for psychological counselling. His condition continued to be monitored by the mental health team.

IHMS further advised that Mr X received treatment for multiple health conditions including chest pain and respiratory concerns. He underwent investigative testing and a computed tomography scan showed minor signs of emphysema and a possible underlying cardiac issue. He was referred to a hospital respiratory clinic and was scheduled to attend an appointment with a cardiologist on 6 March 2017.

**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 restricted detention for a cumulative period of more than six years. At the time of the department's latest review Mr X was awaiting the outcome of merits review by the AAT and legal proceedings before the FC.