

## 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 restricted immigration detention for more than 42 months (three and a half years).

The first assessment 1002203-O was tabled in Parliament on 31 August 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>	1988
<b>Ombudsman ID</b>	1002203-O1
<b>Date of DIBP's reviews</b>	23 October 2016 and 24 April 2017
<b>Total days in detention</b>	1,277 (at date of DIBP's latest review)

### Recent detention history

Since the Ombudsman's previous assessment (1002203-O), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
26 May 2016	Transferred to Christmas Island IDC.
6 October 2016	Transferred to Perth IDC.
12 December 2016	Transferred to Yongah Hill IDC.
8 March 2017	Transferred to Facility B.

### Recent visa applications/case progression

12 May 2016	Lodged a bridging visa application.
16 May 2016	Notified that his bridging visa application was invalid.
14 June 2016	Administrative Appeals Tribunal affirmed the Department of Immigration and Border Protection's (the department) decision to refuse Mr X's Protection visa application.
15 July 2016	Applied for judicial review by the Federal Circuit Court (FCC).
22 February 2017	FCC dismissed Mr X's application for judicial review.
10 March 2017	Requested voluntary removal.
24 April 2017	The department advised that it was working with Mr X to progress his voluntary removal.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X was diagnosed with detention fatigue, an adjustment disorder with anxious mood and an acute stress reaction. He was reviewed by an IHMS mental health nurse and placed on Supportive Monitoring and Engagement observations following threats of self-harm. He attended regular mental health reviews and on 3 January 2017 improvements in his condition were noted.

IHMS further advised that Mr X continued to receive treatment for a stutter he developed after being assaulted. In January 2016 a neurologist advised that his stutter was likely related to post-traumatic stress disorder and recommended he undergo a neuropsychology assessment. Mr X also underwent investigative testing and attended physiotherapy for management of ongoing back pain.

**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 more than three and a half years. He has no matters before the department, the courts or tribunals and is on a removal pathway.