

## 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 remained in immigration detention for more than 36 months (three years).

The first assessment 1002283-O was tabled in Parliament on 14 September 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>	1970
<b>Ombudsman ID</b>	1002283-O1
<b>Date of DIBP's reviews</b>	11 July 2016 and 11 January 2017
<b>Total days in detention</b>	1,098 (at date of DIBP's latest review)

### Recent detention history

Since the Ombudsman's previous assessment (1002283-O), Mr X remained at Wickham Point Alternative Place of Detention.	
21 June 2016	Transferred to Yongah Hill Immigration Detention Centre.
15 May 2017	Granted a Bridging visa and released from detention.

### Recent visa applications/case progression

8 February 2016	Mr X's application to the Federal Court (FC) for an extension of time to appeal against the Federal Circuit Court's decision of 18 September 2015 was dismissed by consent.
31 May 2016 – 5 October 2016	Lodged three Bridging visa applications which were refused.
19 July 2016	Lodged an application with the FC requesting an injunction to prevent his removal from Australia due to a breach of privacy.
8 August 2016	Lodged an application with the FC seeking review of the Refugee Review Tribunal's (RRT) decision of 9 January 2015. <sup>1</sup>
10 October 2016	Applied to the Administrative Appeals Tribunal (AAT) for merits review of the decision to refuse his third Bridging visa application. On 19 October 2016 the AAT affirmed the decision not to grant Mr X a Bridging visa.
16 December 2016	Lodged a further application for a Bridging visa which was refused on 20 December 2016.
15 May 2017	Granted a Bridging visa.

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<sup>1</sup> On 1 July 2015 the RRT was merged into the Administrative Appeals Tribunal.

**Health and welfare**

International Health and Medical Services (IHMS) advised that at a mental health assessment in April 2016 Mr X showed signs of detention fatigue but was not diagnosed with a mental health condition.

IHMS further advised that on 1 July 2016 Mr X was reviewed in accordance with his hepatitis B care plan and referred for follow up blood tests which were undertaken on 1 July 2016. He was also referred to a hepatology and gastroenterology clinic for review and advice on further management. As at the date of IHMS's latest report he was on a waiting list for this clinic.

**Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of the Department of Immigration and Border Protection's latest review Mr X was awaiting the outcome of judicial review.

Mr X was granted a Bridging visa on 15 May 2017 and released from immigration detention.