

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 48 months (four years). The previous assessment 1002286-01 was tabled in Parliament on 31 May 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1993
Ombudsman ID	1002286-02
Date of department's reports	11 July 2017 and 9 January 2018
Total days in detention	1,458 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

19 April 2017	The Federal Circuit Court (FCC) found that Mr X had not lodged his application for judicial review of the Department of Home Affairs' (the department) decision to refuse his Safe Haven Enterprise visa application within the prescribed timeframe. The FCC refused to grant Mr X an extension of time and dismissed his application.
20 June 2017	The department advised that Mr X had no matters before the department, the courts or tribunals and was referred for removal action. On the same day Mr X was referred for a complex identity assessment.
7 September 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
9 January 2018	The department advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway. The department further advised that Mr X's identity assessment remained ongoing.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for dental issues and tuberculosis. Following investigative testing in January 2017 which indicated a positive result for latent tuberculosis, Mr X agreed to complete preventative treatment. In August 2017 his chest x-ray results were noted as normal and he was discharged from a tuberculosis clinic in September 2017.

IHMS further advised that Mr X disclosed a history of torture and trauma in September 2017 and was referred to specialist counselling. He was reviewed by a psychologist on multiple occasions for feelings of hopelessness, symptoms of depression and difficulty sleeping. In psychiatric reviews in August and October 2017 it was noted that he displayed symptoms of detention fatigue. He was provided with further support and prescribed with medication to assist his sleeping difficulties.

Information provided by Mr X

During an interview with Ombudsman staff on 25 May 2017 Mr X advised that his case had been to the Immigration Assessment Authority and that he had attempted to lodge an appeal with the FCC. He stated that he had received an email from the FCC advising that he could not lodge the appeal as the judge had not given an extension of time. He stated that he was now trying to obtain legal aid.

He advised that he had last seen his case manager a month or two ago and his case manager had told him that his name was on a list for removal. Mr X advised that he had told his case manager that he wanted to appeal.

Mr X stated that it was very hard being in an immigration detention facility for so long and that his mental health was becoming very weak. He stated that he had begun to forget simple things. He advised that he saw IHMS every month or two and that he could put in a request to visit them.

He stated that he participated in a range of activities at the facility, including soccer, cricket and English classes. He advised that he was in contact with his family in Country A and was visited in the facility by community groups.

Case status

Mr X has been found not to be owed protection under the *Migration Act 1958* and has remained in an immigration detention facility for a cumulative period of more than four years. He has no matters before the department, the courts or tribunals and is on a removal pathway.