

## 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 previous assessment 1002360-O was tabled in Parliament on 1 March 2017. 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>	1976
<b>Ombudsman ID</b>	1002360-O1
<b>Date of DIBP's reports</b>	4 April 2017 and 3 October 2017
<b>Total days in detention</b>	1,276 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Facility D.

### Recent visa applications/case progression

31 October 2016	Applied to the Federal Circuit Court (FCC) for judicial review of the Immigration Assessment Authority's decision to affirm the Department of Immigration and Border Protection's (the department) decision to refuse to grant him a Safe Haven Enterprise visa.
8 June 2017	FCC reserved its judgment.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was reviewed by an ophthalmologist and received treatment for the management of an eye condition affecting his vision. The ophthalmologist advised that he required a yearly follow-up review and ongoing monitoring. In June and July 2017 Mr X underwent investigative testing and attended physiotherapy for leg and knee pain. He was awaiting a further review with a physiotherapist at the time of IHMS's latest report.

IHMS further advised that Mr X engaged with the mental health team for the management of an adjustment disorder, depression and a history of torture and trauma. During a review in May 2017 he presented with symptoms of detention fatigue and disturbed sleep. Mr X declined to take prescribed medication and continued to be monitored by the mental health team.

**Information provided by Mr X**

During an interview with Ombudsman staff on 23 May 2017 Mr X advised that he had some problems in the community in 2014 and the department cancelled his visa and re-detained him. He advised that his protection claims had been rejected and he was awaiting a hearing at the FCC.

Mr X stated that the department believes he came to Australia for economic reasons but that this is not true. He stated that he had been living in other countries for around 18 years but was not granted refugee status because of his religious faith.

Mr X stated that his case manager told him he would be deported and that this news has negatively affected his mental health. He advised that he has lost weight because he is so worried.

Mr X advised that he no longer contacts his family, who remain in his home country, because they do not understand the difficulties he is experiencing in detention and he feels unhappy when he speaks with them. Mr X stated that he needs peace of mind and feels like his life is being wasted.

He said he participates in activities at Facility D, including sport and English classes, but has not been on an excursion in a long time. He advised that he is supported by some visitors from the community.

**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 an immigration detention facility for more than three and a half years. At the time of the department's latest report Mr X was awaiting the outcome of judicial review.