

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABELING 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 more than 54 months (four and a half years). The previous assessment 1001705-O was tabled in Parliament on 14 June 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	1986
Ombudsman ID	1001705-O1
Date of department's reports	5 July 2017 and 3 January 2018
Total days in detention	1,640 (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

22 February 2017	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X's Safe Haven Enterprise (SHEV) visa application.
20 September 2017	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the refusal of SHEV application.
28 September 2017	Requested removal from Australia.
30 October 2017	The Department of Home Affairs (the department) lodged an application for a travel document with the authorities of Country A on behalf of Mr X.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X underwent a computed tomography scan of his spine in March 2017 which indicated a disc protrusion. He was referred to a neurosurgeon for review where he was prescribed with medication and advised to apply heat therapy. In a subsequent review in May 2017 Mr X reported that his condition had improved.

IHMS further advised that Mr X disclosed a history of torture and trauma and was referred to specialist counselling and the mental health team.

Information provided by Mr X

During an interview with Ombudsman staff on 25 May 2017 Mr X advised that he had applied to the FCC for judicial review and had been trying to obtain legal support. He stated that he could not self-represent as he did not understand the law or the language. He stated that he had not met with his case manager for six months.

Mr X reported that he had obtained a certificate of change of religion but that the department would not accept it for consideration in his case. He claimed that he had experienced a lot of hardship to obtain the certificate and that the department's refusal to consider it was very distressing for him.

Mr X advised that he had been experiencing back pain for eight months and that he had received some physiotherapy and pain medication. He stated that it was impossible for him to stay mentally well after being in detention for five years and that he had nightmares that make him feel weak and sick. He stated that he had spoken to the doctors but they had advised him that there were no problems with his mental health.

Mr X advised that he was not in contact with his family overseas.

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 more than four and a half years. He has no matters before the department, the courts or tribunals and has requested removal from Australia.

The department has advised that it is awaiting the issue of a travel document from Country A to effect Mr X's removal.