

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the fifth s 486O report on Mr X who has remained in immigration detention for more than 60 months (five years). The previous reports are:

1001058 tabled in Parliament on 11 December 2013

1001363 tabled in Parliament on 27 August 2014

1001602 tabled in Parliament on 11 February 2015

1002075 tabled in Parliament on 14 September 2015.

This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1992
Ombudsman ID	1000846-O
Date of DIBP's reports	25 November 2015 and 3 June 2016
Total days in detention	1823 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002075), Mr X has remained in community detention.
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Recent visa applications/case progression

9 November 2015	Mr X's case was referred to the Minister under s 197AD of the <i>Migration Act 1958</i> to consider revocation of his community detention placement following criminal matters. The Minister declined to intervene.
25 November 2015	The Department of Immigration and Border Protection (DIBP) advised that Mr X awaits the outcome of judicial review of an Independent Protection Assessment by the Federal Circuit Court (FCC).
26 February 2016	The FCC determined that Mr X's case was affected by legal error and referred it to DIBP for a new assessment of his protection claims.

Other legal matters

25 August 2015	Mr X appeared before a Magistrates Court for breaching a restraining order. He pleaded guilty, received a \$1000 fine and a spent conviction was recorded.
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Health and welfare

International Health and Medical Services advised that Mr X continued to be monitored and treated for post-traumatic stress disorder and a history of torture and trauma. He continues to engage in counselling with no concerns reported.
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Recent detention incidents

14 January 2016	Mr X reported to police that he was physically and sexually assaulted by a group of men. On 10 March 2016 he withdrew his statement and advised he did not wish to proceed any further with the matter.
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Ombudsman assessment/recommendation

<p>Mr X has been held in detention for over five years. He has been found not to be owed protection under the Refugee Convention and complementary protection criterion.</p> <p>The Ombudsman notes that in February 2016 the FCC referred Mr X's case to DIBP for a new assessment of his protection claims.</p> <p>In light of the length of time Mr X has been held in detention, the Ombudsman recommends that priority is given to expediting the reassessment of his protection claims.</p>
