

ASSESSMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

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

1001503 tabled in Parliament on 22 October 2014

1001932 tabled in parliament on 27 May 2015

1002430 tabled in Parliament on 31 August 2016

1000958-O tabled in Parliament on 23 November 2016

This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1981
Ombudsman ID	1000958-O1
Date of DIBP's reviews	3 October 2016 and 13 April 2017
Total days in detention	1,822 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1000958-O), Mr X has remained at Villawood Immigration Detention Centre.

Recent visa applications/case progression

7 September 2016	The High Court refused Mr X's application for judicial review of the decisions made in relation to his requests for ministerial intervention under ss 417, 48B and 195A of the <i>Migration Act 1958</i> .
13 April 2017	The Department of Immigration and Border Protection (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he has been referred for removal action.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was prescribed with medication and attended psychological counselling for the management of anxiety and depression associated with a history of torture and trauma. IHMS further advised that Mr X underwent investigative testing for abnormal liver function.

Other matters

13 October 2016	The department advised that Mr X had previously lodged a complaint with the Australian Human Rights Commission. On 4 May 2016 the department provided a response and the matter remained ongoing.
-----------------	---

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 restricted detention for more than five years. He has no matters before the department, the courts or tribunals and has been referred for removal action.