

ASSESSMENT BY THE COMMONWEALTH AND IMMIGRATION 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 restricted immigration detention for more than 42 months (three and a half years).

The first assessment 1003196 was tabled in Parliament on 31 August 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1988
Ombudsman ID	1001952-O
Date of DIBP's reviews	29 July 2016 and 27 January 2017
Total days in detention	1,276 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1003196), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).

The department advised that Mr X has since been transferred to Christmas Island IDC.

Recent visa applications/case progression

4 February 2016	The Administrative Appeals Tribunal affirmed the refusal decision of the Department of Immigration and Border Protection (the department) concluding that Mr X is not a person in respect of whom Australia has protection obligations under the <i>Migration Act 1958</i> .
1 March 2016	Requested judicial review by the Federal Circuit Court. The matter was dismissed on 21 October 2016.
8 November 2016	Requested judicial review by the Full Federal Court. A hearing was scheduled for 15 February 2017.
6 December 2016	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a Bridging visa.

Health and welfare

International Health and Medical Services advised that Mr X was reviewed by an orthopaedic specialist for an ankle injury and is currently awaiting an appointment with an oral surgeon for a dental condition.

Information provided by Mr X

During a telephone conversation with Ombudsman staff on 9 June 2017 Mr X advised that he had signed a request for removal in May 2017. He said that his removal had been delayed as he was trying to organise a travel document with the department. He claimed that he had not spoken with a case manager for 18 months and was confused about the progress of his case and whether he was eligible to receive assistance from the International Organization for Migration.

Mr X stated that his mental health had deteriorated in detention and he often feels depressed. He said he does not engage with the mental health team as the counselling was repetitive and unhelpful.

Mr X advised that he previously injured his ankle and waited six weeks to undergo an x-ray. He said that his ankle did not heal correctly because his treatment was delayed and he now experiences ongoing pain.

Mr X reported that he often felt harassed by detention centre staff and that he felt pressured to request removal to his home country.

Mr X stated that while detained at Yongah Hill IDC he talked to his family on a weekly basis. He explained that when he was transferred to Christmas Island IDC he was not permitted to keep his mobile phone and this made it difficult to stay in contact with family and friends.

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 three and a half years. At the time of the department's latest review Mr X was awaiting the outcome of judicial review.