

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING 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 48 months (four years). The previous assessment 1002163-O was tabled in Parliament on 1 March 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	1989
Ombudsman ID	1002163-O1
Date of DIBP's reports	15 March 2017 and 7 September 2017
Total days in detention	1,458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Melbourne Immigration Transit Accommodation (ITA).

Recent visa applications/case progression

26 September 2016	Safe Haven Enterprise visa application refused.
4 October 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
2 December 2016	The IAA affirmed the decision to refuse Mr X's SHEV application
21 December 2016	Applied to the Federal Circuit Court (FCC) for judicial review.
23 March 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
13 July 2017	FCC adjourned the matter.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X engaged with the mental health team and attended specialist counselling for the management of symptoms of anxiety, depression, insomnia and detention fatigue and a history of torture and trauma. Mr X reported to a psychologist in December 2016 that certain detention centre staff triggered feelings of frustration, helplessness and disempowerment, but he declined to engage in problem solving interventions as he stated he believed that nothing would change his situation. In July 2017 a mental health nurse noted that Mr X was struggling to cope with increased stress, anxiety and frustration associated with an upcoming court hearing.

IHMS further advised that Mr X continued to receive treatment for ongoing flank and back pain.

Information provided by Mr X

During an interview with Ombudsman staff on 21 June 2017 Mr X advised that he was awaiting the finalisation of an international security check and that his understanding was that after this check was finalised he would be considered for a bridging visa.

Mr X stated that he found the activities provided at Melbourne ITA boring and repetitive and that he wished they would introduce some new activities. He also explained that he used to go on excursions and go swimming, but he had not been on an excursion for over six months.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in an immigration detention facility for more than four years. At the time of the Department of Immigration and Border Protection's latest report Mr X was awaiting the outcome of judicial review.