

## 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 54 months (four and a half years). The previous assessment 1001388-O was tabled in Parliament on 31 May 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1991
<b>Ombudsman ID</b>	1001388-O1
<b>Date of department's reports</b>	16 May 2017 and 14 November 2017
<b>Total days in detention</b>	1,640 (at date of department's latest report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
16 November 2016	Transferred to Christmas Island IDC.

### Recent visa applications/case progression

15 March 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
3 August 2017	The Federal Circuit Court dismissed Mr X's application for judicial review of the Administrative Appeal Tribunal's decision of 28 July 2016.
23 August 2017	Applied to the Full Federal Court for judicial review. The matter was adjourned on 21 September 2017.
14 November 2017	The Department of Home Affairs (the department) advised that Mr X had been identified for inclusion in a submission to the Minister for the possible grant of a bridging visa under s 195A.

### Health and welfare

<p>International Health and Medical Services (IHMS) advised that in October 2016 Mr X reported additional concerns with his chronic back pain. An orthopaedic specialist advised against surgery due to his young age and instead recommended physiotherapy. In February 2017 Mr X reported that the physiotherapy sessions and prescribed medication were not assisting his symptoms and he was referred to a specialist for consideration of a spinal cortisone injection. Following difficulties in organising this consultation, in June 2017 a specialist advised that Mr X only required ongoing monitoring and occasional x-rays. His condition continued to be managed with prescribed medication.</p> <p>IHMS further advised that Mr X engaged with the mental health team in August 2017 for the management of ongoing situational issues particularly regarding his immigration status and was noted to be at low risk of self-harm.</p>
--

**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.

The Ombudsman's previous assessment recommended that in light of Mr X's ongoing court proceedings and his lack of involvement in any incidents of concern during the assessment period, that he be considered for a bridging visa.

On 31 May 2017 the Minister noted the recommendation and advised that he had considered Mr X under s 195A and declined to intervene.

At the time of the department's latest report Mr X was awaiting the outcome of judicial review.