

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fourth 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 1001377-O1 was tabled in Parliament on 14 June 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>	1973
<b>Ombudsman ID</b>	1001377-O2
<b>Date of department's reports</b>	12 May 2017 and 9 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 has remained at Yongah Hill Immigration Detention Centre.
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### Recent visa applications/case progression

13 February 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
27 February 2017	The Federal Circuit Court (FCC) reserved judgment on Mr X's application for judicial review of the Administrative Appeal Tribunal's (AAT) decision to affirm the refusal of his Protection visa application.
4 April 2017	The Minister declined to intervene under s 195A.
12 May 2017	The Department of Immigration and Border Protection (the department) advised that Mr X was identified as a person of interest to the department in relation to offshore criminal matters.
10 October 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A.
17 October 2017	The FCC remitted the matter to the AAT for reconsideration.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X underwent surgery in September 2017 for the removal of multiple benign lumps. Following his discharge, he was monitored by IHMS and a follow-up appointment at a specialist clinic was scheduled for 27 September 2017.	
IHMS further advised that Mr X disclosed a history of torture and trauma. He declined a referral for specialist counselling and was advised on how to access support services if required.	
27 February 2017 and 1 March 2017	An Incident Report and IHMS recorded that Mr X threatened self-harm on two occasions.

**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 and a half years.

On 24 November 2015 Mr X applied to the FCC for judicial review of the AAT's decision to affirm the refusal of his Protection visa application and on 17 October 2017 the FCC remitted the matter to the AAT for reconsideration.

On 10 October 2017 Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a bridging visa.