

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 1001581-O was tabled in Parliament on 31 May 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A ¹
Year of birth	1977
Ombudsman ID	1001581-O1
Date of department's reports	13 June 2017 and 12 December 2017
Total days in detention	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.

Recent visa applications/case progression

13 February 2017	The Minister declined to intervene under s 195A to grant Mr X a bridging visa.
30 March 2017	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X's Temporary Protection visa (TPV) application.
19 April 2017	Requested removal from Australia.
12 July 2017	Mr X was provided with information from the International Organization for Migration on voluntary return to Country A.
12 December 2017	The Department of Home Affairs (the department) advised that it was working with the authorities of Country A to obtain a travel document on behalf of Mr X. The department further advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway.

¹ Mr X's citizenship was previously recorded as stateless, until the department's report of 12 December 2017 which recorded it as Country A.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for vision issues and back pain. He underwent investigative testing in August 2016 and was prescribed with medication for his back concerns but continued to present with ongoing pain. Mr X attended physiotherapy in May and September 2017, however a treating physiotherapist noted that there had been no improvement in his condition. Mr X was also reviewed by an ophthalmologist for his vision impairment in September 2017 who recommended that he be provided with prescription glasses. He was awaiting reviews with an optometrist and physiotherapist at the time of IHMS's latest report.

IHMS further advised that Mr X was monitored by the mental health team for an adjustment disorder and symptoms associated with grief.

Other matters

11 January 2017	The Australian Human Rights Commission requested the department to provide further information in relation to a complaint lodged by Mr X on 1 February 2016. On 9 February 2017 the department provided a response. The matter remained ongoing at the time of the department's latest report.
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Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Case status

Mr X was detained on 16 June 2013 after arriving in Australia by sea and has remained in an immigration detention facility for more than four and a half years.

Mr X's TPV application was refused on 7 December 2016 and on 30 March 2017 the IAA affirmed the refusal.

Mr X has no matters before the department, the courts or tribunals and is on a removal pathway.