

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X who remained in restricted immigration detention for more than 54 months (four and a half years).

The first report 1001806 was tabled in Parliament on 27 May 2015 and the second report 1003200 was tabled in Parliament on 31 August 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1978
Ombudsman ID	1001094-O
Date of DIBP's reports	2 August 2016 and 6 February 2017
Total days in detention	1642 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003200), Mr X has remained at Facility B.	
April 2017	Mr X was released from restricted detention when he was involuntarily removed from Australia and returned to Country A.

Recent visa applications/case progression

11 February 2016 – 28 April 2016	Mr X lodged three Bridging visa applications, all of which were deemed invalid under s 501 of the <i>Migration Act 1958</i> .
27 July 2016	The Minister appealed the Full Federal Court decision and the High Court found that the International Treaties Obligations Assessment (ITOA) process was not procedurally unfair. ¹ The Department of Immigration and Border Protection (the department) advised that it is considering the implications of this judgment.
2 August 2016	The department advised that Mr X is prevented from making further visa applications pursuant to s 501.
April 2017	Mr X was involuntarily removed from Australia.

¹ *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was prescribed with antidepressant medication and attended routine mental health assessments for management of his history of torture and trauma and familial stressors. Mr X attended specialist counselling between February and May 2016 after presenting with poor sleep and increasing flashbacks but declined to attend further sessions as he felt they reactivated his past trauma. IHMS reported that Mr X was awaiting the outcome of proceedings at a Family Court to gain access to his 12-year old son.

IHMS further advised that Mr X received treatment for non-cardiac chest pain related to anxiety and is monitored by a general practitioner.

Case status

Mr X was involuntarily removed from Australia in April 2017 and returned to Country A.