

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1984
Ombudsman ID	1002628-O
Date of department's report	22 March 2017
Total days in detention	730 (at date of department's report)

Detention history

23 March 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving in Australia as an unauthorised air arrival. He was transferred to Villawood Immigration Detention Centre (IDC).
7 May 2015	Transferred to Christmas Island IDC.
14 August 2015	Transferred to Yongah Hill IDC.
August 2017	Removed from Australia to Country B.

Visa applications/case progression

26 March 2015	Lodged a Protection visa application.
18 April 2016	Mr X was advised by the Department of Home Affairs (the department) that his Protection visa application was invalid under s 91P as he was not who he claimed to be and was a national of both Country A and Country B.
28 October 2016	Found not to meet the guidelines for referral to the Minister under s 91Q to allow him to lodge a valid Protection visa application. The guidelines assessment determined that Mr X is actually Mr Y, born in 1966, and that he had access to effective protection in one of the countries of which he is a citizen. Mr X was referred for removal on the same day.
24 January 2017	The department finalised an Identity Assessment Report and found that Mr X's claimed identity was not supported and that he was likely to be Mr Y.
22 March 2017	The department advised that Mr X was not cooperating with the department's efforts to clearly establish his identity.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has a history of torture and trauma but declined a referral for specialist counselling. In April 2015 Mr X presented with sleeping concerns and a general practitioner noted that his symptoms were related to psychological stress and his ongoing detention. He was prescribed with medication and referred to the mental health team for counselling.

IHMS further advised that Mr X received treatment for multiple physical health concerns, including chronic headaches, type 1 diabetes, chest pain and abdominal pain.

Case status

Mr X was detained on 23 March 2013 after arriving in Australia as an unauthorised air arrival and remained in an immigration detention facility for more than two years.

Mr X was released from immigration detention when he was involuntarily removed from Australia in August 2017.