

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 48 months (four years). The previous assessment 1002157-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1980
Ombudsman ID	1002157-O1
Date of DIBP's reports	14 March 2017 and 11 September 2017
Total days in detention	1,460 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Facility C.	
16 November 2016	Transferred to Facility D.
13 January 2017	Transferred to Facility C.

Recent visa applications/case progression

1 May 2017	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of his negative Protection visa outcome.
1 June 2017	Applied to the Federal Court (FC) for judicial review. A hearing was scheduled for 22 January 2018.
6 June 2017	Issued with a Criminal Justice Stay Certificate preventing his removal from Australia.

Other legal matters

December 2016	Three charges of causing harm to a commonwealth official, with the trial scheduled to commence on 6 November 2017.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X presented with anxiety, poor sleep and headaches related to stress and attended group counselling. In April 2017 Mr X declined ongoing mental health support and a prescription for medication.</p> <p>IHMS further advised that Mr X received treatment for physical health concerns, including a skin condition.</p>
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Other matters

30 March 2017, 22 June 2017 and 1 August 2017	Mr X lodged complaints with the Office of the Commonwealth Ombudsman in relation to personal property that was damaged during the riots at Christmas Island Immigration Detention Centre in November 2015. The matter was investigated and finalised on 11 October 2017.
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Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in an immigration detention facility for more than four years. At the time of the Department of Immigration and Border Protection's latest report Mr X was awaiting the outcome of judicial review.