

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 60 months (five years). The previous assessment 1001113-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
Date of birth	1948
Ombudsman ID	1001113-O1
Date of DIBP's reports	6 March 2017 and 6 September 2017
Total days in detention	1,822 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Yongah Hill Immigration Detention Centre (IDC).

Recent visa applications/case progression

21 October 2016	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the Administrative Appeals Tribunal's decision to affirm the refusal of his Protection visa application.
31 October 2016	Requested the Minister to commence an International Treaties Obligations Assessment (ITOA) in relation to the Department of Immigration and Border Protection's (the department) unintentional release of personal information. ¹
20 December 2016	Request for an ITOA was refused. Mr X was advised that he had previously been given the opportunity to raise any claims in relation to the privacy breach during the Protection visa application and review processes.
20 January 2017	Lodged an application with the FCC seeking to quash the Minister's decision regarding the ITOA and an injunction to prevent removal from Australia.
17 August 2017	FCC dismissed the matter.
6 September 2017	The department advised that as Mr X has no matters before the department, the courts or tribunals, he is on an involuntary removal pathway.

¹ In a media release dated 19 February 2014 the Minister advised that an immigration detention statistics report was released on the department's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as the department became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by the department.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment and was monitored for a number of physical health conditions including ankle and knee pain and urological concerns.

IHMS further advised that Mr X regularly engaged with the mental health team to discuss any concerns but no acute mental health concerns had been identified.

Other matters

23 September 2016	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman (the Office) in relation to lost property at Christmas Island IDC. The complaint was investigated and on 30 October 2017 the Office notified the department that the investigation had been finalised.
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Information provided by Mr X

During an interview with Ombudsman staff on 22 May 2017 Mr X advised that he had been in Australia since 1970 and considered Australia his home. He explained that his mental health was good, but he gets angry and sometimes feels down and struggles to sleep. He stated that he called his son every day and had a number of friends in immigration detention.

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 five years. He has no matters before the department, the courts or tribunals and is on an involuntary removal pathway.