

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 remained in immigration detention for more than 54 months (four and a half years). The previous assessment 1001131-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	1990
Ombudsman ID	1001131-O1
Date of department's report	11 March 2017
Total days in detention	1,640 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
3 November 2016	Transferred to Facility C.
25 July 2017	Granted a bridging visa and released from immigration detention.

Recent visa applications/case progression

11 March 2017	The Department of Home Affairs (the department) advised that it was considering the resolution of Mr X's immigration status. The department further advised that Mr X's case had been identified for an assessment against the guidelines under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X presented with frustration related to his immigration pathway and history of torture and trauma and was reviewed by the mental health team. In February 2017 a psychiatrist reported that Mr X was unlikely to benefit from psychotherapy and had declined a prescription for medication. IHMS further advised that Mr X received treatment for a recurring skin condition and a hand injury. He was awaiting an ultrasound at the time of IHMS's report.	
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Other matters

1 May 2017	<p>Mr X lodged a complaint with the Office of the Commonwealth Ombudsman in relation to delays in processing his International Treaties Obligations Assessment (ITOA), which commenced in January 2015 and remained ongoing.</p> <p>On 28 June 2017 the department advised that on 2 September 2015 all ITOA's were placed on hold due to court action. On 12 September 2017 the department further advised that following the conclusion of the court action on 27 July 2016, it consulted with the Minister on policy approaches regarding this cohort. Mr X's case was subsequently included on a submission to the Minister for his consideration on assessing claims in relation to the data breach in May 2017.</p> <p>The complaint was finalised on 7 December 2017.</p>
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Case status

<p>Mr X was detained on 13 September 2012 after residing unlawfully in the community and remained in an immigration detention facility for more than four and a half years.</p> <p>On 11 March 2017 the department advised that it was considering the resolution of Mr X's immigration status.</p> <p>Mr X was granted a bridging visa on 25 July 2017 and released from immigration detention.</p>
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