

## 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 has remained in immigration detention for more than 30 months (two and a half years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1988
<b>Ombudsman ID</b>	1002702-O
<b>Date of department's reports</b>	1 July 2017 and 2 January 2018
<b>Total days in detention</b>	915 (at date of department's latest report)

### Detention history

2 July 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> after being refused immigration clearance. He was transferred to Perth Immigration Detention Centre (IDC).
1 August 2015	Transferred to Wickham Point IDC.
16 June 2016	Transferred to Yongah Hill IDC.

### Visa applications/case progression

Mr X arrived in Australia on 2 July 2015 as an unauthorised air arrival.	
31 August 2015	Lodged a Temporary Protection visa (TPV) application.
26 September 2016	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
19 January 2017	TPV application refused.
24 April 2017	Renotified of the refusal after the Department of Home Affairs (the department) identified that notification upon refusal had been defective.
28 April 2017	Applied to the Administrative Appeals Tribunal (AAT) for merits review.
10 October 2017	AAT affirmed the original decision.
20 October 2017	Applied to the Federal Circuit Court for judicial review. A hearing was scheduled for 26 March 2018.
5 December 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A.

## **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple physical health concerns, including foot and gastric issues, allergies and hearing loss. He was reviewed by ear, nose and throat specialists on several occasions and in January 2016 and May 2017 investigative testing indicated abnormal results. He was referred for further specialist reviews and appointments were pending at the time of IHMS's latest report.

Mr X reported experiencing ongoing foot pain from a pre-existing injury and was referred for an ultrasound in April 2016. Results indicated ligament damage and Mr X was ordered orthotic insoles and provided with advice on lifestyle modifications. Mr X was also prescribed with medication to manage his gastric and breathing concerns and his conditions continued to be monitored by a general practitioner.

IHMS further advised that Mr X disclosed a history of torture and trauma and was diagnosed with an adjustment disorder with depressed mood. He was referred to specialist counselling and was prescribed with medication.

## **Case status**

Mr X was detained on 2 July 2015 after being refused immigration clearance and has remained in an immigration detention facility for more than two and a half years.

Mr X lodged a TPV application on 31 August 2015 and on 19 January 2017 the application was refused.

At the time of the department's latest report Mr X was awaiting the outcome of judicial review.