

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X who remained in immigration detention for more than 36 months (three years).

The first report 1001666 was tabled in Parliament on 22 October 2014. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1997
Ombudsman ID	1002151
Date of DIBP's reports	30 December 2014 and 30 June 2015
Total days in detention	1,101 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001666), Mr X has remained in community detention.

Recent visa applications/case progression

22 December 2014	The Refugee Review Tribunal (RRT) commenced reviewing the negative decision regarding Mr X's Protection visa application.
9 April 2015	RRT affirmed original decision.
14 May 2015	Appealed to the Federal Circuit Court (FCC). A hearing date was scheduled for 6 July 2015.

Health and welfare

11 August 2014	International Health and Medical Services (IHMS) reported that Mr X presented to a general practitioner (GP) with shoulder pain. He was prescribed with anti-inflammatory medication and was referred for an x-ray and ultrasound.
7 November 2014	He was referred for physiotherapy after his test results identified a partial dislocation of his right shoulder. IHMS advised that it had no documentation to confirm if Mr X had attended the physiotherapy appointment and that this condition was being monitored by his GP.
25 June 2015	IHMS reported that his shoulder pain had resolved. There were no mental health concerns reported and he was made aware of the self-referral for counselling.

Information provided by Mr X

During a telephone conversation with Ombudsman staff on 22 September 2015 Mr X advised that he had recently turned 18 and was transferred to a different community detention property with other unaccompanied minors who had turned 18. He is finishing Year 12 at high school.

He stated that sometimes he 'overthinks' his situation and becomes a little stressed, but he is supported by friends he has met in Australia.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He is awaiting the outcome of judicial review.