

## 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 54 months (four and a half years). The previous assessment 1001302-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1986
<b>Ombudsman ID</b>	1001302-O1
<b>Date of DIBP's reports</b>	5 April 2017 and 4 October 2017
<b>Total days in detention</b>	1,640 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
24 January 2017	Transferred to Christmas Island IDC.

### Recent visa applications/case progression

7 February 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
15 March 2017	The Minister declined to consider Mr X's case under s 195A.
24 February 2017	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the Department of Immigration and Border Protection's (the department) decision to refuse his Temporary Protection visa application.
13 March 2017	Referred for involuntary removal from Australia.
15 March 2017	Applied to the Full Federal Court (FFC) for judicial review of the FCC's decision.
18 August 2017	The FFC adjourned Mr X's case and reserved judgment. The matter remained ongoing.
4 October 2017	The department advised that Mr X's involuntary removal had been put on hold pending the FFC's decision.

### Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues during this assessment period.
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### Information provided by Mr X

During an interview with Ombudsman staff on 30 November 2017 Mr X advised that two weeks ago he had signed a Code of Behaviour<sup>1</sup> agreement but was unsure about what this meant and whether he would be released. Mr X said that he does not find his case manager helpful, and he only sees them when they have something to tell him, which is usually every three or four months.

Mr X advised that his physical health was fine but that mentally he was not feeling well. He said that he was feeling depressed and that it was very difficult being in detention for so long. Mr X stated that he did not think attending counselling would help since his mental health problems were related to his detention and he felt that he would only get better when he was released.

When asked about an alleged assault incident in February 2017, Mr X explained that while he was gardening and watering plants, another detainee had attacked him. Mr X explained that he was not concerned about the other detainee because he understands that it is difficult for everyone in detention and that sometimes people get frustrated. Mr X stated that he feels safe at the centre and advised that he participates in various activities, including English and art classes, soccer and table tennis.

Mr X advised that while he had arrived in Australia with a cousin, he no longer had contact with them. He further advised that that he often speaks with his family in Country A and has no visitors other than his migration agent.

### Recent detention incidents

19 February 2017	An Incident Report recorded that Mr X was allegedly assaulted by another detainee. Mr X was assessed by the medical team and relocated to a separate compound for his protection.
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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 remained in an immigration detention facility for more than four and a half years.

The department advised that Mr X has been referred for removal action which has been put on hold pending the FFC's decision.

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

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<sup>1</sup> Since 14 December 2013 all adult maritime arrivals must sign a Code of Behaviour before they can be considered for the grant of a Bridging visa. The Code of Behaviour was introduced to help ensure that maritime arrivals living in the community on Bridging visas are aware of community behavioural expectations and behave appropriately while in the Australian community.