

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who has remained in immigration detention more than 54 months (four and a half years).

The first assessment 1002098 was tabled in Parliament on 27 May 2015 and the second assessment 1002689 was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1001202-O
Date of DIBP's reviews	3 December 2016 and 5 June 2017
Total days in detention	1,642 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1002689), Mr X remained at Yongah Hill Immigration Detention Centre.	
2 February 2017	Transferred to Melbourne Immigration Transit Accommodation.

Recent visa applications/case progression

The Department of Immigration and Border Protection (the department) advised that Mr X remained on a removal pathway as he has no matters before the department, the courts or tribunals.	
23 September 2016	Found to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the possible grant of a bridging visa.
3 December 2016	The department advised that it was preparing a ministerial submission under s 195A.
5 June 2017	The department advised that Mr X's case had not been referred on a ministerial submission under s 195A as it was exploring further removal options. The department further advised that it continued to work with the authorities of Country A to obtain a travel document for Mr X.

Health and welfare

International Health and Medical Services advised that Mr X continued to receive treatment for an adjustment disorder with anxiety and depression, detention fatigue and a history of torture and trauma. Mr X's medication was regularly reviewed by a general practitioner (GP) and he was prescribed with antipsychotic medication for a short period. Mr X also expressed concern and associated suicidal ideation related to the possibility of being returned to Country A. In February 2017 a treating psychologist noted that Mr X was experiencing nightmares, intrusive negative thoughts and heightened anxiety related to his immigration pathway. His condition continued to be monitored by a GP and the mental health team.	
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Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in an immigration detention facility for more than four and a half years. He has no matters before the department, the courts or tribunals and is on a removal pathway.

The Ombudsman's previous assessment (1002689) recommended that consideration be given to granting Mr X a bridging visa until removal action could be progressed.

On 20 October 2016 the Minister advised that the department was preparing a submission for his consideration under s 195A for the grant of a bridging visa while Mr X's removal was progressed.

At the time of the department's latest review, Mr X's case had not been referred on a ministerial submission under s 195A as the department was exploring further removal options.