

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in immigration detention for more than 66 months (five and a half years).

The first report 977/12 was tabled in Parliament on 26 June 2013, the second report 1001150 was tabled in Parliament on 12 February 2014 and the third report 1001437 was tabled in Parliament on 13 May 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1982
Ombudsman ID	1002222
Date of DIBP's reports	28 January 2015 and 30 July 2015
Total days in detention	2,005 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001437), Mr X has remained in community detention with family members, including his claimed wife, children, parents and siblings.

Recent visa applications/case progression

28 January 2015	The Department of Immigration and Border Protection (DIBP) advised that it was assessing whether visa cancellations should be considered for Mr X's family. This followed the confirmation of misleading information provided to DIBP resulting in Mr X's wife, children and mother being granted permanent residency Spouse visas. DIBP advised that it was appropriate to conduct a reassessment of Mr X's protection claims to allow for consideration of matters related to establishing his identity and new information that had become available.
21 July 2015	DIBP initiated a ministerial intervention submission under s 46A of the <i>Migration Act 1958</i> for consideration to lift the bar to allow Mr X to make a temporary visa application and have his protection claims reassessed.
30 July 2015	DIBP advised that Mr X's security and identity issues remained under investigation by DIBP and the Australian Security Intelligence Organisation (ASIO).

Health and welfare

8 November 2014 – ongoing	International Health and Medical Services (IHMS) advised that Mr X received psychological counselling for depression and anxiety related to his immigration pathway. The psychologist recommended further counselling sessions but Mr X declined to attend.
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11 December 2014	A computed tomography scan identified a bulging disc in his spine. He was referred for physiotherapy and received a steroid injection for pain relief.
4 February 2015	During a consultation with a general practitioner Mr X was prescribed with pain relief medication for his ongoing back condition.
8 May 2015	Mr X was scheduled to see an orthopaedic surgeon to remove metal plates in his left knee. IHMS was awaiting information about the outcome of this appointment.

Other matters

28 January 2015	DIBP advised that Mr X's complaint with the Australian Human Rights Commission was closed.
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Ombudsman assessment

Mr X has been found to be owed protection under the Refugee Convention. However, his security and identity issues remain under investigation by DIBP and ASIO following the confirmation of misleading information provided to DIBP concerning his family composition.

The Ombudsman notes that on 21 July 2015 DIBP initiated a ministerial intervention submission under s 46A for the Minister's consideration to lift the bar to allow Mr X to make a temporary visa application and have his protection claims reassessed. The Ombudsman makes no recommendations in this report.