

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 for more than 54 months (four and a half years). The previous assessment 1001728-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1979
Ombudsman ID	1001728-O1
Date of DIBP's reports	19 April 2017 and 18 October 2017
Total days in detention	1,640 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Facility C.

Recent visa applications/case progression

13 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.
4 April 2017	The Minister declined to consider Mr X's case under s 195A.
24 July 2017	Safe Haven Enterprise visa (SHEV) application refused. The Department of Immigration and Border Protection (the department) finalised Mr X's second identity assessment and determined that his identity was supported.
31 July 2017	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
13 September 2017	The IAA affirmed the decision to refuse Mr X's SHEV application.
10 October 2017	Applied to the Federal Circuit Court (FCC) for judicial review.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was reviewed by a general practitioner (GP) on 28 April 2017 to assess whether he required an orthopaedic referral to review his chronic pain. The GP determined that no orthopaedic referral was required as Mr X's mobility had improved and he was not experiencing any pain.

Other matters

25 May 2017	During an interview with Ombudsman staff Mr X stated that he was being closely monitored by Serco officers and that his room was frequently being checked. Ombudsman staff subsequently raised these concerns with detention centre staff who advised that Mr X was being monitored because he had attempted to attend an excursion using another detainee's pass.
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Information provided by Mr X

During an interview with Ombudsman staff on 25 May 2017 Mr X advised that he had lodged a SHEV application and was awaiting an outcome. He said that his case manager did not know why he had not been released, but that they had organised a volunteer lawyer for him.

Mr X reported that his physical health was good and his pain had improved. However, he advised that he did not think he could cope in detention anymore and was seeing a psychologist. He said that he did not understand why he remained in an immigration detention facility and said that he wished to be placed in the community.

Mr X also advised that he had friends at Facility C and kept in contact with a priest.

Case status

Mr X was detained on 22 April 2013 after arriving in Australia by sea and has remained in an immigration detention facility for more than four and a half years.

The Ombudsman's previous assessment noted that Mr X's outstanding appointment with an orthopaedic specialist was cancelled following his transfer to Facility C and recommended that the matter be expedited should he still need to see an orthopaedic specialist.

On 1 March 2017 the Minister advised that the department had requested that its health provider prioritise Mr X's medical appointment.

IHMS advised that Mr X was assessed by a GP on 28 April 2017 and no further referral to an orthopaedic specialist was required.

Mr X's SHEV application was refused on 24 July 2017 and on 13 September 2017 the IAA affirmed the refusal.

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