

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 1001308-O was tabled in Parliament on 6 September 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	1954
Ombudsman ID	1001308-O1
Date of department's report	4 October 2017
Total days in detention	1,640 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Christmas Island Immigration Detention Centre (IDC).	
6 April 2017	Transferred to Facility B.

Recent visa applications/case progression

27 April 2017	The Administrative Appeals Tribunal (AAT) affirmed the refusal of Mr X's Protection visa application under s 501 of the <i>Migration Act 1958</i> .
21 August 2017	The Federal Court remitted the matter to the AAT for reconsideration after finding that Mr X's case had been affected by an error of law.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X suffered a heart attack in April 2017 and investigative testing identified coronary artery disease. Mr X underwent triple bypass surgery in May 2017 and was reviewed by a cardiologist in June 2017 with no further complications reported. IHMS further advised that Mr X regularly engaged with the mental health team for the management of detention fatigue, sleep disturbance, anxiety and grief regarding his father's deteriorating health.	
27 April 2017	An Incident Report recorded that Mr X threatened self-harm after receiving news about a negative outcome with the AAT.

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. At the time of the department's report Mr X was awaiting the reconsideration of his case with the AAT.
