

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 remained in restricted immigration detention for more than 60 months (five years).

The first assessment 1001530 was tabled in Parliament on 1 October 2014, the second assessment 1001989 was tabled in Parliament on 3 June 2015 and the third assessment 1002491 was tabled in Parliament on 14 September 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	1992
Ombudsman ID	1000965-O
Date of DIBP's reviews	2 November 2016 and 3 May 2017
Total days in detention	1,822 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1002491), Mr X remained at Wickham Point Alternative Place of Detention.	
21 June 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).
26 August 2016	Transferred to Christmas Island IDC.
June 2017	Voluntarily departed Australia.

Recent visa applications/case progression

10 May 2016	The Department of Immigration and Border Protection (the department) refuted Mr X's claimed identity of Mr Y and advised that his identity would be verified once he had been issued with a Country B passport.
27 July 2016	The Minister appealed the Full Federal Court decision and the High Court found that the International Treaties Obligation Assessment process was not procedurally unfair. ¹
2 September 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer and was assigned a provider on 1 November 2016.
20 September 2016	Requested removal to Country B.
2 November 2016	The department advised that Mr X was waiting to be issued with a new national identity card in order to progress his application for a Country B passport.

¹ *Minister for Immigration and Border Protection v SZSSJ* [2016] HCA 29.

3 May 2017	The department advised that Mr X did not require a new national identity card to apply for a Country B passport. The department further advised that it was in the process of obtaining a travel document for Mr X from the Country B authorities.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X attended a mental health assessment in November 2016 and presented with frustration and anxiety related to his immigration pathway.</p> <p>IHMS further advised that Mr X was reviewed by a general practitioner and provided with pain relief medication after he was allegedly assaulted by another detainee.</p>

Recent detention incidents

14 July 2016	An Incident Report recorded that Mr X allegedly sexually assaulted another detainee. The matter was referred to the Australian Federal Police (AFP) and on 15 August 2016 the AFP advised that no further action was required.
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Other matters

2 April 2017	The Australian Human Rights Commission requested that the department participate in a conciliation process to resolve Mr X’s complaint. On 19 April 2017 the department declined to participate and the matter remained ongoing.
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Case status

Mr X was released from an immigration detention facility when he voluntarily departed Australia in June 2017.
