

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the sixth s 486O assessment on Mr X who has remained in immigration detention for more than 72 months (six years). The previous assessment 1000857-O was tabled in Parliament on 15 February 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	1971
Ombudsman ID	1000857-O1
Date of DIBP's reports	1 January 2017 and 3 July 2017
Total days in detention	2,186 (at date of DIBP's latest reports)

Recent detention history

Since the Ombudsman's previous assessment (1000857-O), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
7 December 2016	Transferred to Christmas Island IDC.

Recent visa applications/case progression

9 September 2016	Mr X's case was referred on a ministerial submission for consideration of lifting the bar under s 48B of the <i>Migration Act 1958</i> to allow Mr X to make a further temporary protection visa application.
16 December 2016	Mr X was removed from the ministerial submission for consideration under s 48B as the Department of Immigration and Border Protection (the department) decided that Mr X's International Treaties Obligations Assessment had provided a sufficient investigation of his protection claims.
20 March 2017	Mr X's case was referred for a complex identity assessment for the purpose of removal from Australia.
4 May 2017	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
9 May 2017	Mr X requested voluntary removal. On 12 May 2017 the department forwarded his application for a travel document to the authorities of Country A.
13 June 2017	The authorities of Country A advised that they were unable to confirm Mr X's identity and requested additional information.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X attended regular mental health reviews to monitor a cognitive impairment and on 30 September 2016 a general practitioner noted that Mr X had good cognitive function with adequate coping skills.

IHMS further advised that Mr X continued to refuse pathology testing and specialist referrals for previously diagnosed hepatitis B, hepatitis C and hepatitis D. On 18 May 2017 IHMS advised that at this time no further follow up of Mr X's condition was planned.

Recent detention incidents

19 February 2017	An Incident Report recorded that Mr X was allegedly assaulted by another detainee.
------------------	--

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 six years. He has no matters before the department, the courts or tribunals and on 9 May 2017 he requested voluntary removal.

The Ombudsman's previous assessment (1000857-O) recommended that the department expedite the preparation of a ministerial submission on Mr X's case under s 195A.

On 15 February 2017 the Minister advised that he had asked the department to resolve all outstanding issues regarding Mr X's removal before he would consider his case under s 195A. He further advised that the department continued to manage Mr X's mental health needs.