

**ASSESSMENT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X who has remained in immigration detention for more than 78 months (six and a half years). The previous assessments are:

1422/13 tabled in Parliament on 13 November 2013

1001088 tabled in Parliament on 9 July 2014

1001640 tabled in Parliament on 17 June 2015

1002813 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	1997
Ombudsman ID	1000518-O
Date of DIBP's reviews	15 June 2016 and 15 December 2016
Total days in detention	2,368 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1002813), Mr X has remained in community detention.

Recent visa applications/case progression

17 December 2015	The Department of Immigration and Border Protection (the department) advised that Mr X's case was affected by judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair.
27 July 2016	The Minister appealed the FFC decision and the High Court (HC) found that the ITOA process was not procedurally unfair. ² The department advised that it was considering the implications of this judgment.
15 December 2016	The department advised that consideration of Mr X's case was on hold as he was affected by the data breach, and the matter was ongoing.

¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

² *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.

Health and welfare

International Health and Medical Services advised that Mr X did not require treatment for any major physical or mental health issues during this reporting period.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. His case is affected by the HC judgment of 27 July 2016 and the department advised that it is considering the implications of this judgment.