

ASSESSMENT BY THE COMMONWEALTH 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 84 months (seven years). The previous assessment 1003364 was tabled in Parliament on 5 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	1985
Ombudsman ID	1000594-O
Date of DIBP's reports	22 February 2017 and 23 August 2017
Total days in detention	2,550 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has continued to be placed in the community.¹

Recent visa applications/case progression

20 December 2016	Found not to meet the guidelines for referral to the Minister under s 46A of the <i>Migration Act 1958</i> to allow him to make a valid visa application.
8 February 2017	The Department of Immigration and Border Protection (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway. The department requested the assistance of the authorities of Country A to issue Mr X an emergency travel document.
23 August 2017	The department advised that it continued to progress Mr X's involuntary removal from Australia which had been delayed following concerns regarding his identity.

Health and welfare

International Health and Medical Services advised that Mr X continued to receive hormone replacement treatment for an androgen deficiency as required. Mr X was also referred to a neurology clinic and underwent investigative testing for chronic neck and back pain which indicated spinal degeneration.

¹ Mr X was granted a placement in the community under s 197AB and remains in immigration detention.

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 detention, both in a detention facility and the community, for more than seven years. He has no matters before the department, the courts or tribunals and is on an involuntary removal pathway.

The department advised that the processing of Mr X's removal has been delayed due to identity concerns.