

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 60 months (five years). The previous assessment 1001665-O1 was tabled in Parliament on 14 June 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	1990
Ombudsman ID	1001665-O2
Date of department's reports	30 June 2017 and 29 December 2017
Total days in detention	1,822 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
8 August 2017	Transferred to Christmas Island IDC.

Recent visa applications/case progression

13 February 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
15 March 2017	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the Immigration Assessment Authority's (IAA) decision to affirm the refusal of Mr X's Safe Haven Enterprise visa (SHEV) application.
16 August 2017	The Federal Court (FC) dismissed Mr X's application for judicial review of the FCC decision.
24 August 2017	Referred for removal action.
1 November 2017	The Department of Home Affairs (the department) lodged an application for a travel document with the authorities of Country A on behalf of Mr X.
29 December 2017	The department advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway.

Health and welfare

International Health and Medical Services advised that Mr X received treatment for tension headaches following his transfer to Christmas Island IDC.	
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Other matters

29 December 2017	The department advised that Mr X's complaint with the Australian Human Rights Commission lodged on 16 December 2013 remained ongoing at the time of the department's latest report.
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Case status

Mr X has been found not to be owed protection under the *Migration Act 1958* and has remained in an immigration detention facility for more than five years.

The FCC dismissed Mr X's application for judicial review of the IAA's decision to affirm the refusal of Mr X's SHEV application on 15 March 2017. The FC dismissed Mr X's application for judicial review of the FCC decision on 16 August 2017.

On 29 December 2017 the department advised that Mr X has no matters before the department, the courts or tribunals and is on a removal pathway.