

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 immigration detention for a cumulative period of more than 66 months (five and a half years). The previous assessment 1001086-O was tabled in Parliament on 6 September 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	1984
Ombudsman ID	1001086-O1
Date of department's reports	30 July 2017 and 29 January 2018
Total days in detention	2,006 (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).	
23 March 2017	Transferred to Christmas Island IDC.
February 2018	Voluntarily departed Australia.

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.
4 August 2017	Identified for possible referral to the Minister under s 195A.
26 September 2017	The Administrative Appeals Tribunal affirmed the decision to refuse Mr X's Safe Haven Enterprise visa application.
31 October 2017	Applied to the Federal Circuit Court for judicial review. On 15 January 2018 he withdrew the application.
15 November 2017	Requested removal from Australia.

Health and welfare

International Health and Medical Services advised that Mr X engaged with the mental health team and specialist counselling for the management of stress and a history of torture and trauma. He reported experiencing fear and anxiety related to his immigration pathway and his belief that he would experience threats to his life if he was to return to Country A.

Case status

Mr X was detained on 23 September 2009 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and a correctional facility, for a cumulative period of more than five and half years.

The Ombudsman's previous assessment recommended that in light of the length of time Mr X had remained in detention and in the absence of any behavioural concerns his case be referred on a new ministerial submission under s 195A for the grant of a bridging visa, if he had not already been granted a bridging visa.

On 6 September 2017 the Minister noted the recommendation and advised that he had considered Mr X's case under s 195A and declined to intervene. The Minister further advised that as there had been no significant change in Mr X's case, further consideration under s 195A was not appropriate at that time.

Mr X was released from immigration detention when he voluntarily departed Australia in February 2018.