

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the third s 486O assessment on Mr X who remained in immigration detention for more than 54 months (four and a half years). The previous assessment 1001384-O was tabled in Parliament on 24 May 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1977 <sup>1</sup>
<b>Ombudsman ID</b>	1001384-O1
<b>Date of department's reports</b>	16 May 2017 and 14 November 2017
<b>Total days in detention</b>	1,640 (at date of department's latest report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility C.	
December 2017	Voluntarily departed Australia.

### Recent visa applications/case progression

13 December 2016	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
19 January 2017	The Administrative Appeals Tribunal set aside the Department of Home Affairs' (the department) decision to refuse Mr X's Protection visa application and substituted a decision to refuse a Temporary Protection visa application.
14 February 2017	Applied to the Federal Circuit Court (FCC) for judicial review.
17 August 2017	Requested removal from Australia.
31 August 2017	Withdrew his application for judicial review at the FCC.
14 November 2017	The department advised that Mr X had been provided with information regarding possible assistance available through the International Organization for Migration.

### Health and welfare

International Health and Medical Services advised that Mr X received treatment for knee pain.
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<sup>1</sup> Mr X's date of birth was previously recorded as 1980, until the department's report of 14 November 2017, which recorded it as 1977.

**Case status**

Mr X was detained on 19 May 2013 after arriving in Australia by sea and remained in an immigration detention facility for more than four and a half years.

The Ombudsman's previous assessment recommended that Mr X be considered for a bridging visa.

On 24 May 2017 the Minister advised that Mr X had recently been considered for a bridging visa and the Minister had declined to intervene. The Minister further advised that the department would review Mr X's case for a possible re-referral in the near future.

Mr X was released from immigration detention when he voluntarily departed Australia in December 2017.