

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLAIMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 42 months (three and a half years). The previous assessment 1002408-O was tabled in Parliament on 31 May 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1978
Ombudsman ID	1002408-O1
Date of department's reports	18 May 2017 and 15 November 2017
Total days in detention	1,276 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
7 December 2017	Granted a Final Departure Bridging visa and released from immigration detention.

Recent visa applications/case progression

16 March 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
24 May 2017	Lodged an application for a bridging visa that was deemed invalid.
15 November 2017	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department or courts, he is on a removal pathway. The department further advised that as Mr X is unwilling to depart Australia voluntarily and involuntary removal to Country A is not possible at present, Mr X's case was referred on a ministerial submission for consideration under s 195A on 25 October 2017 for the grant of a bridging visa.
7 December 2017	Granted a Final Departure Bridging visa.

Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and remained in an immigration detention facility for a cumulative period of more than three and a half years. He has no matters before the department or courts and is on a removal pathway.

The Ombudsman's previous assessment recommended that Mr X be considered for a bridging visa given that his removal is likely to be protracted as involuntary removal to Country A is not currently viable.

On 31 May 2017 the Minister advised that he had considered Mr X's case under s 195A and declined to intervene.

On 15 November 2017 the department advised that as Mr X is unwilling to depart Australia voluntarily and involuntary removal to Country A is not possible at present, his case was referred on a ministerial submission for consideration under s 195A on 25 October 2017 for the grant of a bridging visa.

Mr X was granted a Final Departure Bridging visa on 7 December 2017 and released from immigration detention.