

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 42 months (three and a half years). The previous assessment 1001304 was tabled in Parliament on 24 September 2014. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1992
Ombudsman ID	2000008-O
Date of department's report	3 June 2017
Total days in detention	1,276 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X continued to be placed in the community ¹ with his step-sister, Miss Y, who is the subject of Ombudsman assessment 1001170-O1.	
30 June 2014	Absconded from immigration detention.
25 January 2017	Re-detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Maribyrnong Immigration Detention Centre (IDC).
23 March 2017	Transferred to Christmas Island IDC.
August 2017	Removed from Australia.

Recent visa applications/case progression

9 April 2015	The Federal Circuit Court (FCC) affirmed the Independent Protection Assessment's decision of 25 August 2012.
18 January 2016	The Full Federal Court reviewed the FCC's decision and remitted Mr X's case to the Department of Home Affairs (the department) for reconsideration.
20 March 2017	Requested removal from Australia.
3 May 2017	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
3 June 2017	The department advised that it was reviewing its policy for cases, such as Mr X's, that have been remitted to the department from the federal courts where previous protection assessments were undertaken in a non-statutory process.

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

Criminal history

29 July 2015	Arrested by police and charged with drug offences.
11 February 2016	Convicted of a drug offence and sentenced to one year and six months imprisonment.

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 was detained on 10 May 2011 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than three and a half years.

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