

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 a cumulative period of more than 48 months (four years). The previous assessment 1002359-01 was tabled in Parliament on 13 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	1985
Ombudsman ID	1002359-02
Date of department's report	6 October 2017
Total days in detention	1,458 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Christmas Island Immigration Detention Centre.

Recent visa applications/case progression

18 August 2017	Requested removal from Australia.
6 October 2017	The Department of Home Affairs (the department) advised that it had previously incorrectly reported that Mr X had sought judicial review with the Federal Circuit Court (FCC). The department clarified that Mr X's family has independently sought judicial review of their case at the FCC. 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 (IHMS) advised that during a mental health assessment in July 2017 Mr X reported feelings of stress and anxiety due to the uncertainty of his immigration status and the possibility of being returned to Country A. In August 2017 Mr X presented to an IHMS mental health nurse with sleep disturbance associated with concerns about his family. He continued to be supported by the mental health team as required.

Other matters

Mr X's family reside in the community on bridging visas.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in immigration detention, both in a detention facility and the community, for more than four years. He has no matters before the department, the courts or tribunals and is on a removal pathway.

The Ombudsman's previous assessment recommended that Mr X be considered under s 195A of the *Migration Act 1958* for the grant of a bridging visa while he awaited the resolution of his case.

On 13 September 2017 the Minister advised that the department had commenced arrangements for Mr X's removal from Australia and as such, consideration of his case under s 195A for the grant of a bridging visa was not appropriate at the time.