

## 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 54 months (four and a half years). The previous assessment 1000806-O was tabled in Parliament on 21 June 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>	1983
<b>Ombudsman ID</b>	1000806-O1
<b>Date of department's report</b>	26 September 2017
<b>Total days in detention</b>	1,642 (at date of department's report)

### Recent detention history

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

1 September 2017	Transferred to Yongah Hill IDC.
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### Recent visa applications/case progression

7 June 2017	The Department of Home Affairs (the department) received an application for a bridging visa lodged by Mr X. The application was deemed invalid as he remained subject to the bar under s 46A of the <i>Migration Act 1958</i> .
22 August 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a bridging visa.

### Health and welfare

International Health and Medical Services advised that Mr X continued to await an appointment with an ear, nose and throat specialist for nasal concerns.

### Other matters

The department advised that Mr X is engaged to an Australian citizen.

### **Ombudsman assessment/recommendation**

Mr X was detained on 25 March 2011 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than four and a half years.

The Ombudsman's previous assessment recommended that the department consider granting Mr X a bridging visa or community placement until removal action could be progressed.

On 21 June 2017 the Minister noted the recommendation and advised that he had recently considered Mr X's case under s 195A and declined to intervene.

The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to physical and mental health prolonged immigration detention may pose.

On 22 August 2017 Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a bridging visa.

In light of the significant length of time Mr X has remained in detention, the Ombudsman recommends that the department expedite the consideration of Mr X's case under s 195A.