

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 more than 60 months (five years). The previous assessment 1001232-O1 was tabled in Parliament on 6 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	1988
Ombudsman ID	1001232-O2
Date of department's reports	29 July 2017 and 29 January 2018
Total days in detention	1,825 (at date of department's latest report)

Recent detention history

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

Recent visa applications/case progression

30 March 2017	The Federal Circuit Court dismissed Mr X's application for judicial review of the Immigration Assessment Authority's decision to affirm the refusal of Mr X's Safe Haven Enterprise visa application.
3 May 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
14 August 2017	The Full Federal Court dismissed Mr X's application for judicial review.
22 August 2017	Requested removal from Australia.
30 August 2017	The department lodged an application for a travel document with the authorities of Country A on behalf of Mr X. The authorities of Country A have advised that Mr X's application remains pending.
14 September 2017	Found not to meet the guidelines for referral to the Minister under s 195A.
29 January 2018	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department, the courts or tribunals, the department is awaiting the issue of a travel document to effect his removal from Australia.
The department advised that Mr X would not be considered for a bridging visa while his removal is ongoing.	

Health and welfare

International Health and Medical Services advised that Mr X attended specialist counselling for the management of a history of torture and trauma, nightmares and ongoing worry.

Case status

Mr X has been found not to be owed protection under the *Migration Act 1958* and has remained in an immigration detention facility for more than five years. He has no matters before the department, the courts or tribunals and has requested removal from Australia.

The Ombudsman's previous assessment recommended that in light of Mr X's length of time in detention and in the absence of behavioural or security concerns he be reconsidered under s 195A for the grant of a bridging visa.

On 6 September 2017 the Minister advised that the department was preparing a submission for his consideration of Mr X's case under s 195A.

On 30 August 2017 the department lodged an application for a travel document with the authorities of Country A on behalf of Mr X. The authorities of Country A have advised that Mr X's application remains pending.

On 29 January 2018 the department advised that Mr X is not being considered for referral to the Minister under s 195A while his removal is ongoing.