

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1978
Ombudsman ID	1002805-O
Date of department's report	22 November 2017
Total days in detention	730 (at date of department's report)

Detention history

19 May 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland ¹ by sea. He was transferred to Northern Immigration Detention Centre (IDC).
21 October 2013	Transferred to Yongah Hill IDC.
10 December 2014	Granted a bridging visa and released from immigration detention.
15 June 2017	Re-detained under s 189(1) after residing unlawfully in the community. He was transferred to Facility B.
December 2017	Voluntarily departed Australia.

Visa applications/case progression

30 June 2014	Lodged a Protection visa application.
10 December 2014	Granted a bridging visa.
16 January 2015	Protection visa application refused.
13 October 2016	The Administrative Appeals Tribunal (AAT) affirmed the Department of Home Affairs' (the department) decision to refuse his Protection visa application.
21 November 2016	Bridging visa ceased and he remained unlawfully in the community.
22 June 2017	Applied to the AAT for further merits review of the department's decision to refuse his Protection visa application. On 11 July 2017 the AAT found that it had no jurisdiction to review the department's decision as it had already done so.
30 June 2017 and 7 July 2017	Lodged bridging visa applications which were subsequently deemed invalid.
3 August 2017	Found not to meet the guidelines for referral to the Minister to lift the bar under s 48B to enable him to lodge a second Protection visa application.

¹ A maritime arrival to Australia's mainland who is seeking protection. Maritime arrivals who arrived as 'direct entry persons' after 13 August 2012 and before 20 May 2013 are not subject to the s 46A bar.

14 September 2017	Requested removal from Australia.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was identified as having a history of torture and trauma and attended group counselling.

Mr X was diagnosed with hepatitis B and reviewed by a liver clinic in 2013. He subsequently underwent regular investigative testing and his condition was monitored by a general practitioner and liver specialist.

IHMS further advised that Mr X received treatment for a stomach bacterial infection, high cholesterol and shoulder pain.

Case status

Mr X was detained on 19 May 2013 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than two years.

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