

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 five years. The previous assessment 1001286-O was tabled in Parliament on 18 October 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	1992
Ombudsman ID	1001286-O1
Date of department's reports	11 September 2017 and 13 March 2018
Total days in detention	1,824 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at a correctional facility.¹

Recent visa applications/case progression

Mr X continues to serve an eight year sentence of imprisonment with a non-parole period of five years for his involvement in people smuggling activities. His earliest date of release is in March 2018.

The Department of Home Affairs (the department) advised that Mr X is subject to a Criminal Justice Stay Certificate which prevents his removal from Australia.

The department further advised that Mr X was found not to be eligible for the grant of a bridging visa on criminal detention grounds under s 73 of the *Migration Act 1958*.

Health and welfare

The department advised that Mr X's health and welfare continues to be managed by corrective services.

Case status

Mr X was detained in March 2013 after arriving in Australia by sea as a member of the crew of a suspected illegal entry vessel and has remained in immigration detention, both in a detention facility and a correctional facility, for more than five years.

Mr X will be removed at the conclusion of his custodial sentence.

¹ The Ombudsman's previous assessment (1001286-O) incorrectly recorded that Mr X had been transferred to a different correctional facility. However Mr X has remained at the same correctional facility since the department's 36-month report.