

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fifth s 486O assessment on Mr X who has remained in immigration detention for more than 78 months (six and a half years). The previous assessment 1000878-O was tabled in Parliament on 6 September 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>	1985
<b>Ombudsman ID</b>	1000878-O1
<b>Date of department's reports</b>	18 August 2017 and 5 February 2018
<b>Total days in detention</b>	2,368 (at date of department's latest report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Facility C.

### Recent visa applications/case progression

16 May 2017	The Minister indicated that he was not inclined to consider Mr X's case under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
18 August 2017	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of his negative International Treaties Obligations Assessment (ITOA) outcome.
5 February 2018	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department or courts, he is on a removal pathway.  The department further advised that Mr X's case will not be referred to the Minister under s 195A for the grant of a bridging visa while his removal is being progressed.

### Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues during this assessment period.

26 December 2017      An Incident Report recorded that Mr X refused food and fluid.

**Case status**

Mr X was detained on 11 August 2011 after arriving in Australia by sea and has remained in an immigration detention facility for more than six and a half years.

Mr X was initially found to be owed protection under the Refugee Convention on 26 April 2011, however his Protection visa application was refused under s 501 on 29 August 2013.

On 11 September 2014 an ITOA determined that Mr X's case no longer engaged Australia's *non-refoulement* obligations following the assessment of updated country information.

On 18 August 2017 the FCC dismissed Mr X's application for judicial review of his negative ITOA outcome.

Mr X has no matters before the department or the courts and is on a removal pathway.