

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 remained in immigration detention for a cumulative period of more than five years. The previous assessment 1001244-O 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/Country B (dual citizenship)
Year of birth	1969
Ombudsman ID	1001244-O1
Date of department's reports	9 August 2017 and 9 February 2018
Total days in detention	1,822 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility C.	
August 2017	Transferred to Facility D.
March 2018	Removed from Australia.

Recent visa applications/case progression

April 2017	The Minister intervened under s 91Q of the <i>Migration Act 1958</i> to validate Mr X's Temporary Protection visa (TPV) application. On the same day the Minister declined to intervene under s 195A to grant Mr X a bridging visa.
May 2017	TPV application refused.
November 2017	The Administrative Appeals Tribunal affirmed the decision to refuse Mr X's TPV application.

Health and welfare

International Health and Medical Services advised that Mr X attended physiotherapy for back pain.

Other matters

October 2016	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman in relation to concerns about being placed in handcuffs during his transfer from Facility E to Facility C. In April 2017 the Department of Home Affairs (the department) provided a response and advised that an aircraft operator assessed that the use of restraints was necessary in Mr X's case. In July 2017 the complaint was finalised.
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Case status

Mr X was detained in December 2010 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than five years.

The Ombudsman's previous assessment recommended that the Minister expedite the consideration of his public interest powers under s 91Q and strongly recommended that the Minister consider granting Mr X a bridging visa while he awaited the resolution of his immigration status.

On 6 September 2017 the Minister advised that he had intervened under s 91Q to validate Mr X's TPV application. The Minister further advised that Mr X had refused to agree to conditions necessary to be included on a submission to him for consideration under s 195A for the grant of a bridging visa. The Minister advised that the department would continue to seek to progress Mr X's case for consideration under s 195A.

Mr X was released from immigration detention when he was involuntarily removed from Australia in March 2018.