

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 36 months (three years). The previous assessment 1002526-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
Year of birth	1981
Ombudsman ID	1002526-01
Date of department's report	10 October 2017
Total days in detention	1,094 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Villawood Immigration Detention Centre (IDC).

12 May 2017	Transferred to Yongah Hill IDC.
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Recent visa applications/case progression

15 May 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
13 September 2017	The Federal Circuit Court dismissed Mr X's application for judicial review following his withdrawal from the matter.
10 October 2017	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway.

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 and stress associated with his ongoing detention. His condition continued to be monitored by the mental health team.

Case status

Mr X has been found not to be owed protection under the *Migration Act 1958* and has remained in immigration detention, both in a detention facility and the community, for more than three years. He has no matters before the department, the courts or tribunals and is on a removal pathway.

The Ombudsman's previous assessment recommended that Mr X be considered for the grant of a bridging visa while he awaited the resolution of his immigration status.

On 6 September 2017 the Minister advised that he had recently considered Mr X's case under s 195A and declined to intervene.