

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABELING 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 more than three years. The previous assessment 1002575-O was tabled in Parliament on 21 March 2018. This assessment provides an update and should be read in conjunction with the previous assessment.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1964
<b>Ombudsman ID</b>	1002575-O1
<b>Date of department's report</b>	15 January 2018
<b>Total days in detention</b>	1095 (at date of department's report)

### Recent detention history

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

### Recent visa applications/case progression

September 2017	The Federal Circuit Court (FCC) quashed the decision of the Administrative Appeals Tribunal (AAT) regarding the refusal of his Protection visa and remitted Mr X's case to be determined according to law.
October 2017	Lodged a bridging visa application which was deemed invalid.
October 2017	The AAT commenced reconsideration of Mr X's case.
January 2018	The FCC remitted Mr X's case regarding the cancellation of his Employer Nomination Scheme visa to the AAT for reconsideration.

### Health and welfare

International Health and Medical Services advised that Mr X was referred to a physiotherapist in November 2017 for the management of ongoing pain.

Mr X also continued to engage with the mental health team for the management of depression and requested a referral for specialist counselling.

### Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in an immigration detention facility for more than three years.

In September 2017 and January 2018 the FCC remitted Mr X's case regarding the refusal of his Protection visa application and the cancellation of his Employer Nomination Scheme visa to the AAT for reconsideration.

At the time of the Department of Home Affairs' report Mr X was awaiting the outcome of merits review.