

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 1001250-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	1957
Ombudsman ID	1001250-O1
Date of department's reports	18 August 2017 and 15 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 has remained at Facility B.

Recent visa applications/case progression

February 2017	The Department of Home Affairs (the department) requested an update from the authorities of Country A in relation to obtaining a travel document for Mr X to enable his voluntary return to Country A.
June 2017	The authorities of Country A advised that the government of Country A does not recognise Mr X as a citizen of Country A and will not issue him with a travel document.
August 2017	The department advised that it had commenced representations with the government of Country A to resolve Mr X's citizenship status.
December 2017	Application for evidence of Australian citizenship refused.
December 2017	Application for Australian citizenship refused.
January 2018	Applied to the Administrative Appeals Tribunal for merits review of the refusal of his Australian citizenship application
February 2018	The department advised that Mr X withdrew his application for voluntary removal and is on an involuntary removal pathway. The department further advised that it continues to work with the authorities of Country A to obtain a travel document for Mr X.

Other legal matters

The Ombudsman's previous assessment reported that during an interview with Ombudsman staff in May 2017 Mr X stated that he was not subject to an outstanding arrest warrant and would not be detained by police if he was released into the community.

The department's 54-month report, dated 18 August 2017, clarified that Mr X is subject to an outstanding arrest warrant for breach of parole and would be detained by police if released from immigration detention.

Health and welfare

International Health and Medical Services advised that Mr X continued to receive treatment for the management of a number of medical conditions.

Ombudsman assessment

Mr X was detained on 19 February 2013 following his release from a correctional facility and has remained in an immigration detention facility for more than five years.

Mr X's permanent visa was cancelled under s 501 of the *Migration Act 1958* in December 2004.

Mr X's application for Australian citizenship was refused in December 2017. At the time of the department's latest report Mr X was awaiting the outcome of merits review.

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

The Ombudsman notes that Mr X's removal has been in progress for a significant length of time due to concerns raised by the government of Country A about his citizenship status.

At the time of the department's latest report the department continued to work with the authorities of Country A to resolve Mr X's citizenship status and obtain a travel document to allow his involuntary removal.