

## 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 three years. The previous assessment 1002578-O was tabled in Parliament on 6 December 2017. 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>	1980
<b>Ombudsman ID</b>	1002578-01
<b>Date of department's report</b>	17 January 2018
<b>Total days in detention</b>	1,094 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility E.	
8 August 2017	Transferred to Facility D.

### Recent visa applications/case progression

17 January 2018	<p>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. The department advised that Mr X's removal was anticipated to be protracted as involuntary removal is not possible at present.</p> <p>The department further advised that Mr X is not being considered for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa as he is considered a risk to the community.</p>
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### Other legal matters

July 2017	Mr X's outstanding criminal matters were discharged without conviction upon Mr X entering into a good behaviour bond.
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### 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.	
November 2017	An Incident Report recorded that Mr X refused food and fluid.

**Ombudsman assessment**

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 a cumulative period of more than three years. He has no matters before the department, the courts or tribunals and is on a removal pathway.

The Ombudsman notes that Mr X's removal is likely to be protracted as involuntary removal is not possible at present.