

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the sixth s 486O assessment on Mr X who remained in immigration detention for more than six years. The previous assessment 1000893-O was tabled in Parliament on 13 September 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1988
<b>Ombudsman ID</b>	1000893-O1
<b>Date of department's report</b>	26 October 2017
<b>Total days in detention</b>	2,186 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
August 2017	Transferred to Facility C.
March 2018	Granted a Temporary Protection visa (TPV) and released from immigration detention.

### Recent visa applications/case progression

August 2017	Issued with a Notice of Intention to Consider Cancellation (NOICC) of his TPV application under s 501 of the <i>Migration Act 1958</i> .
September 2017	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
October 2017	The Department of Home Affairs (the department) advised that it was pursuing a referral for consideration of the grant of a community placement under s 197AB.
March 2018	Granted a TPV.

### Health and welfare

International Health and Medical Services advised that Mr X had previously disclosed a history of torture and trauma. He engaged with the mental health team as required.
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## Case status

Mr X was detained in November 2011 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and the community, for more than six years.

In April 2017 the Administrative Appeals Tribunal remitted Mr X's case to the department for consideration with the direction that he is a person to whom Australia owes protection obligations. In August 2017 Mr X was issued with a NOICC of his TPV application under s 501.

The Ombudsman's previous assessment recommended that in light of the significant length of time Mr X had remained in immigration detention and his ongoing mental health concerns, that he be referred to the Minister for consideration under s 197AB for the grant of a community placement. Alternatively, that consideration be given to transferring Mr X to a less-restrictive detention facility while he awaited the resolution of his immigration status.

In September 2017 the Minister advised that Mr X's placement was being reviewed, with the department considering options for an alternative placement. The Minister further advised that Mr X's case was being assessed for possible referral to the Minister for consideration under s 195A for the grant of a bridging visa, and pending that outcome, he may be considered for a community placement under s 197AB.

Mr X was granted a TPV in March 2018 and released from immigration detention.