

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who has remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1962
Ombudsman ID	1002734-O
Date of department's reports	11 August 2017 and 9 February 2018
Total days in detention	912 (at date of department's latest report)

Detention history

12 August 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from criminal custody. He was transferred to Maribyrnong Immigration Detention Centre (IDC).
28 August 2015	Transferred to Christmas Island IDC.
6 September 2017	Transferred to Facility B.

Visa applications/case progression

Mr X arrived in Australia on 3 November 1994 on a student visa. He remained unlawfully in the community after his visa expired on 25 June 1995.	
18 January 2016	Lodged a Protection visa application.
29 August 2016	Protection visa application refused.
16 January 2017	The Administrative Appeals Tribunal (AAT) affirmed the original decision.
1 June 2017	The Federal Circuit Court (FCC) quashed the AAT decision and remitted Mr X's case to the AAT for reconsideration.
9 February 2018	<p>The Department of Home Affairs (the department) advised that Mr X is not being considered under ss 195A or 197AB for the grant of a bridging visa or community placement as the risk of him not engaging with the department whilst in the community is considered to be high.</p> <p>At the time of the department's latest report, the AAT's reconsideration of the refusal of Mr X's Protection visa application remained ongoing.</p>

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was diagnosed with a medical condition in August 2015 during routine pathology testing. He was reviewed by a specialist in March 2016 and November 2017 and underwent investigative testing. Mr X was recommended to attend regular follow-up reviews to monitor his condition and he was scheduled to attend a specialist appointment in February 2018.

Detention incidents

11 December 2017	An Incident Report recorded that Mr X was allegedly assaulted by another detainee.
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Case status

Mr X was detained on 12 August 2015 following his release from criminal custody and has remained in an immigration detention facility for more than two and a half years.

Mr X lodged a Protection visa application on 18 January 2016. Mr X's application was refused on 29 August 2016 and the AAT affirmed the decision on 16 January 2017. The FCC quashed the AAT decision on 1 June 2017 and the application was remitted to the AAT for reconsideration.

On 9 February 2018 the department advised that Mr X is not being considered under ss 195A or 197AB for the grant of a bridging visa or community placement as the risk of him not engaging with the department whilst in the community is considered to be high.

At the time of the department's latest report, the AAT's reconsideration of the refusal of Mr X's Protection visa application remained ongoing.