

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 1002541-O was tabled in Parliament on 18 October 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1002541-O1
Date of department's report	2 November 2017
Total days in detention	1,094 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility C.	
June 2017	Transferred to Facility D.

Recent visa applications/case progression

July 2017	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the Immigration Assessment Authority's decision to affirm the refusal of his visa.
August 2017	Mr X attended an interview regarding his removal from Australia. The Department of Home Affairs (the department) advised that he refused to participate in the interview.
October 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
November 2017	The department advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway.

Health and welfare

International Health and Medical Services advised that Mr X remained on the public waiting list for a medical review.

Ombudsman assessment

<p>Mr X has been found not to be owed protection under the <i>Migration Act 1958</i> and has remained in an immigration detention facility, for a cumulative period of more than three years.</p> <p>In July 2017 the FCC dismissed Mr X's application for judicial review. He has no matters before the department, the courts or tribunals and is on a removal pathway.</p> <p>The Ombudsman notes that Mr X's removal is likely to be protracted as involuntary removal is not possible at present.</p>
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