

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 remained in immigration detention for a cumulative period of more than three years. The previous assessment 1002580-O was tabled in Parliament on 7 February 2018. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1971
Ombudsman ID	1002580-O1
Date of department's report	18 January 2018
Total days in detention	1,094 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility H.	
August 2017	Transferred to Facility I.
February 2018	Removed from Australia.

Recent visa applications/case progression

September 2017	The Federal Court dismissed Mr X's application for an extension of time to appeal the decision of the Federal Circuit Court which dismissed his application for judicial review of the refusal of his Protection visa.
October 2017	The United Nations Committee against Torture (UNCAT) reinstated the Interim Measures Request (IMR) relating to Mr X. The government requested the UNCAT review its decision to reinstate the IMR. The Department of Home Affairs (the department) advised that it would continue to rely on the Minister's declaration in April 2017 that the IMR was unwarranted.
November 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
January 2018	The department advised that as Mr X had no matters before the department, the courts or tribunals, he had been referred for removal action and was on a removal pathway.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was prescribed with medication and referred for specialist counselling after being diagnosed with a mental health concern. IHMS further advised that Mr X received treatment for multiple physical health concerns and was referred to specialist treatment following an injury.
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Case status

Mr X was detained in July 2012 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than three years.

The Ombudsman's previous assessment recommended that Mr X be considered under s 195A for the grant of a bridging visa or be considered for transfer to Facility G to allow him to reside closer to his support network.

On 7 February 2018 the Minister advised that as Mr X was on a removal pathway it was not appropriate to consider his case under s 195A and that Mr X could not be transferred to Facility G due to capacity issues.

Mr X was released from immigration detention when he was involuntarily removed from Australia in February 2018.