

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than five years. The previous assessment 1002212-01 was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1986
Ombudsman ID	1002212-02
Date of department's report	25 January 2018
Total days in detention	1,822 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Facility B.

Recent visa applications/case progression

August 2017	Applied to the Full Federal Court for judicial review of the Federal Court's decision to dismiss Mr X's application to prevent the Minister from making a decision under s 501 of the <i>Migration Act 1958</i> . The matter was adjourned and judgment was reserved in November 2017.
January 2018	The Department of Home Affairs (the department) advised that consideration of Mr X's Protection visa application under s 501 remained ongoing.

Health and welfare

International Health and Medical Services advised that Mr X continued to be prescribed with medication for the management of depressive symptoms.

November 2017 An Incident Report recorded that Mr X refused food and fluid.

Case status

Mr X was detained in February 2007 following the cancellation of his visa under s 116 and has remained in an immigration detention facility for a cumulative period of more than five years.

The Ombudsman's previous assessment recommended that Mr X be considered for transfer to a facility that is closer to his family, such as Facility C.

On 29 November 2017 the Minister advised that the department had reviewed Mr X's placement and found that a transfer to a facility closer to his family support network was not possible at that time due to capacity issues. It was further advised that arrangements are in place to allow him to maintain contact with his support network.

In August 2017 Mr X applied to the FFC for judicial review of the FC's decision to dismiss Mr X's application to prevent the Minister from making a decision under s 501.

At the time of the department's report, consideration under s 501 of Mr X's Protection visa application remained ongoing.