

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 has remained in immigration detention for more than three years. The previous assessment 1002581-O was tabled in Parliament on 29 November 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	1971
Ombudsman ID	1002581-O1
Date of department's report	18 January 2018
Total days in detention	1,094 (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	Mr X filed notices of discontinuance in the Federal Court (FC) to withdraw his application seeking an Order of Mandamus compelling the Minister to make a decision regarding his Protection visa application.
August 2017	The FC ordered that Mr X's matter be discontinued.
August 2017	The Department of Home Affairs (the department) advised Mr X that his Protection visa application was refused because he did not satisfy s 36(2)(aa) of the <i>Migration Act 1958</i> as the Minister was satisfied that he had committed a serious non-political crime prior to entering Australia.
August 2017	Applied to the Administrative Appeals Tribunal (AAT) for merits review.

Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues during this assessment period.

Other matters

Mr X's son, Mr Y, continues to reside in the community on a bridging visa. At the time of the department's report he was awaiting merits review at the AAT in relation to the department's decision to refuse his Protection visa application.

Case status

Mr X was detained in January 2015 following the expiry of his visa and has remained in an immigration detention facility for more than three years.

In August 2017 the department advised Mr X that his Protection visa application was refused.

At the time of the department's report Mr X was awaiting the outcome of merits review.