

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 four years. The previous assessment 1002240-O1 was tabled in Parliament on 18 October 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	1968
Ombudsman ID	1002240-O2
Date of department's report	24 November 2017
Total days in detention	1,458 (at date of department's report)

Recent detention history

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

Recent visa applications/case progression

November 2017	The Department of Home Affairs (the department) advised that it was continuing to prepare a submission to the Minister to provide advice and possible options regarding Mr X's case.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X attended a specialist review for a medical condition in May 2017. The specialist suggested that he undergo a surgical procedure and at the time of IHMS's report he was awaiting an appointment.

Ombudsman assessment/recommendation

Mr X was detained in November 2013 after being released from a correctional facility and has remained in an immigration detention facility for more than four years.

In June 2014 he was found to be owed protection under the complementary protection criterion and in July 2015 his Protection visa application was refused under s 501 of the *Migration Act 1958*.

In December 2016 the Federal Court remitted Mr X's case with the direction that the department reconsider his application for a Protection visa and in May 2017 the department advised that it was preparing a ministerial submission on Mr X's case.

In November 2017 the department advised that it was continuing to prepare a ministerial submission regarding Mr X's case.

The Ombudsman's previous assessment recommended that the department expedite the resolution of Mr X's immigration status in light of the length of time he had remained in detention.

In October 2017 the Minister advised that Mr X's case was being reviewed for possible referral to him for consideration under s 501.

The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to physical and mental health prolonged immigration detention may pose.

The Ombudsman recommends that the department prioritise the referral of the ministerial submission on Mr X's case so that Mr X's immigration status may be resolved.