

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the first s 486O assessment on Mr X who has remained in immigration detention for more than two and a half years.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1989
<b>Ombudsman ID</b>	1002754-O
<b>Date of department's reports</b>	3 September 2017 and 5 March 2018
<b>Total days in detention</b>	913 (at date of department's latest report)

### Detention history

September 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa under s 116. He was transferred to Facility B.
September 2016	Transferred to Facility C.

### Visa applications/case progression

Mr X arrived in Australia in September 2015 on a visa that he held on the basis of a non-genuine travel document. Upon his arrival in Australia he was refused immigration clearance and his visa was cancelled under s 116.	
September 2015	Lodged a Temporary Protection visa (TPV) application.
September 2015, March 2016 and March 2017	Lodged a bridging visa application on three occasions all of which were deemed invalid.
October 2016	The Department of Home Affairs (the department) referred Mr X's case to an external agency for the purposes of a security assessment under the <i>Migration Regulations 1994</i> .
January 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a bridging visa. In March 2017 the submission was returned from the Minister un-actioned.
October 2017	Found not to meet the guidelines for referral to the Minister under s 195A.

<p>March 2018</p>	<p>As part of the assessment of Mr X's TPV application, the department advised that it had requested Mr X to apply for a police clearance certificate from the authorities of Country D, as he had sought asylum in Country D prior to his arrival to Australia. The authorities of Country D advised that further identity documents were required and Mr X was requested to re-apply for the certificate.</p> <p>The department further advised that Mr X's security assessment with an external agency had been finalised as clear.</p> <p>At the time of the department's latest report the assessment of Mr X's TPV application remained ongoing.</p>
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**Health and welfare**

International Health and Medical Services advised that Mr X received specialist treatment for an injury sustained while playing sport.

**Other matters**

Mr X's brother, sister-in-law and nephew are Australian permanent residents.

**Case status**

Mr X was detained in September 2015 following the cancellation of his visa under s 116 and has remained in an immigration detention facility for more than two and a half years.

In September 2015 Mr X lodged an application for a TPV.

As part of the assessment of Mr X's TPV application, the department had requested Mr X to apply for a police clearance certificate from the authorities of Country D.

At the time of the department's latest report the assessment of Mr X's TPV application remained ongoing.