

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X who has remained in immigration detention for more than five and a half years. The previous assessment 1000964-O1 was tabled in Parliament on 13 September 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	1982
Ombudsman ID	1000964-O2
Date of department's report	1 November 2017
Total days in detention	2,004 (at date of department's report)

Recent detention history

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

Recent visa applications/case progression

October 2017	The Administrative Appeals Tribunal reserved its decision in its review of the refusal of Mr X's Temporary Protection visa application.
November 2017	The Department of Home Affairs (the department) advised that it continued to prepare a submission on Mr X's case for referral to the Minister for his consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.

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.	
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Other matters

November 2017	The department advised that Mr X's complaint to the Australian Human Rights Commission remained ongoing.
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Ombudsman assessment

Mr X has been found not to be owed protection under the *Migration Act 1958* and has remained in an immigration detention facility for more than five and a half years. At the time of the department's report Mr X was awaiting the outcome of merits review.

The Ombudsman's previous assessment recommended that Mr X be considered under s 195A for the grant of a bridging visa.

In September 2017 the Minister stated that the department was preparing a submission to refer Mr X's case for his consideration under s 195A.

In November 2017 the department advised that it continued to prepare a submission for the Minister for his consideration under s 195A.

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.