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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Mr X</th>
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<tbody>
<tr>
<td>Citizenship</td>
<td>Country A</td>
</tr>
<tr>
<td>Year of birth</td>
<td>1982</td>
</tr>
<tr>
<td>Ombudsman ID</td>
<td>1000964-O2</td>
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<tr>
<td>Date of department’s report</td>
<td>1 November 2017</td>
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<tr>
<td>Total days in detention</td>
<td>2,004 (at date of department’s report)</td>
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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 Migration Act 1958 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.

Other matters

- November 2017 | The department advised that Mr X’s complaint to the Australian Human Rights Commission remained ongoing.
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.