

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 restricted immigration detention for more than 54 months (four and a half years).

The first assessment 1002530 was tabled in Parliament on 10 February 2016 and the second assessment 1001543-O was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1971
Ombudsman ID	1001543-O1
Date of DIBP's reviews	1 November 2016 and 2 May 2017
Total days in detention	1,640 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1001543-O), Mr X remained at Wickham Point Alternative Place of Detention.	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

22 June 2016	Safe Haven Enterprise visa (SHEV) application refused.
13 July 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
5 August 2016	The IAA affirmed the decision to refuse Mr X's SHEV application.
15 August 2016	Applied to the Federal Circuit Court for judicial review. The matter was heard on 24 February 2017 and judgment was reserved.
10 January 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
13 February 2017	The Minister declined to intervene under s 195A.

Health and welfare

International Health and Medical Services advised that Mr X has a history of torture and trauma and in August 2016 he notified the mental health team that he had been sexually assaulted in Country A. In July 2016 he was prescribed with medication for the management of insomnia. At the time of the Department of Immigration and Border Protection's (the department) latest review he had declined to engage with specialist counselling.

Case status

Mr X was detained on 4 November 2012 after arriving in Australia by sea and has been held in restricted detention for more than four and a half years.

Mr X's SHEV application was refused on 22 June 2016 and on 5 August 2016 the IAA affirmed the refusal.

At the time of the department's latest review Mr X was awaiting the outcome of judicial review.