

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 more than 48 months (four years).

The first assessment 1003010 was tabled in Parliament on 24 February 2016 and the second assessment 1001784-O was tabled in Parliament on 14 September 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	1985
Ombudsman ID	1001784-O1
Date of DIBP's reviews	13 September 2016 and 14 March 2017
Total days in detention	1,458 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1001784-O), Mr X remained at Wickham Point Alternative Place of Detention.	
28 July 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).

Recent visa applications/case progression

23 August 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
7 September 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
30 December 2016	SHEV application refused. The Department of Immigration and Border Protection (the department) advised that the unintentional release of personal information ¹ was taken into account when considering his protection claims.
10 January 2017	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
10 March 2017	The IAA affirmed the decision to refuse Mr X's SHEV application.
7 February 2017	Found not to meet the guidelines for referral to the Minister under s 195A.

Health and welfare

International Health and Medical Services advised that Mr X did not require treatment for any major physical or mental health issues during this assessment period.

¹ In a media release dated 19 February 2014 the Minister advised that an immigration detention statistics report was released on the department's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as the department became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by the department.

Case status

Mr X was detained on 17 March 2013 after arriving in Australia by sea and has been held in an immigration detention facility for more than four years.

On 23 August 2016 Mr X lodged an application for a SHEV. Mr X's SHEV application was refused on 30 December 2016 and on 10 March 2017 the IAA affirmed the refusal.

At the date of the department's latest review, Mr X was still within the timeframe to apply for judicial review of the IAA's decision.

The Ombudsman's previous assessment (1001784-O) noted that Mr X's younger brother, Mr Y, was located at Yongah Hill IDC. The Ombudsman recommended that consideration be given to transferring Mr X to Yongah Hill IDC to be with his brother while they await the resolution of their immigration status.

On 14 September 2016 the Minister advised that Mr X had been transferred to Yongah Hill IDC.