

**ASSESSMENT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 48 months (four years).

The first assessment 1002456 was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1988
Ombudsman ID	1001338-O
Date of DIBP's reviews	19 October 2016 and 19 April 2017
Total days in detention	1,458 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1002456), Mr X has remained at Yongah Hill Immigration Detention Centre (IDC).

Recent visa applications/case progression

18 May 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a new temporary visa application or providing supporting information for his existing application. He accepted the offer on 19 May 2016 and was assigned a provider.
9 August 2016	Mr X withdrew his existing Safe Haven Enterprise visa (SHEV) application.
11 August 2016	Lodged a new SHEV application
28 November 2016	SHEV application refused.
15 December 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
4 April 2017	The IAA affirmed the decision to refuse Mr X's SHEV application.
13 April 2017	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.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for shoulder pain and was awaiting an appointment with an orthopaedic specialist. IHMS further advised that Mr X previously received treatment for chronic tuberculosis and continued to be monitored as per state policy.
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Information provided by Mr X

During an interview with Ombudsman staff at Yongah Hill IDC on 24 May 2017 Mr X advised that he had lodged a request for voluntary removal and was waiting to be issued with a temporary passport by the Country A government.

Mr X raised concerns about his mental health but advised that he preferred not to engage with the IHMS mental health team. Mr X further advised that he recently underwent an x-ray of his shoulder and was awaiting the results.

Case status

Mr X was detained on 23 October 2009 after arriving in Australia by sea and has been held in detention for a cumulative period of more than four years.

On 26 November 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 11 August 2015 Mr X lodged an application for a SHEV.

Mr X's SHEV application was refused on 28 November 2016 and on 4 April 2017 the IAA affirmed the refusal.

At the date of the Department of Immigration and Border Protection's latest review, Mr X was still within the timeframe to apply for judicial review of the IAA's decision.