

ASSESSMENT BY THE COMMONWEALTH AND IMMIGRATION 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 a cumulative period of more than 54 months (four and a half years).

The first assessment 1001777 was tabled in Parliament on 11 February 2015 and the second assessment 1002284 was tabled in Parliament on 31 August 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	1984
Ombudsman ID	1001086-O
Date of DIBP's reviews	1 August 2016 and 30 January 2017
Total days in detention	1,642 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1002284), Mr X remained at Wickham Point Alternative Place of Detention.	
30 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

14 December 2016	Safe Haven Enterprise visa (SHEV) application refused.
19 December 2016	Applied to the Administrative Appeals Tribunal (AAT) for merits review.
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.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Ombudsman assessment/recommendation

<p>Mr X was detained on 23 September 2009 after arriving in Australia by sea and has been held in restricted detention for a cumulative period of more than four and a half years.</p> <p>Mr X's SHEV application was refused on 14 December 2016 and he applied to the AAT for merits review. On 10 January 2017 his case was referred to the Minister under s 195A for consideration of the grant of a Bridging visa.</p> <p>The Ombudsman notes with concern the Government's duty of care to detainees and the serious risk to physical and mental health prolonged restricted immigration detention may pose. In light of the length of time Mr X has remained in detention and the absence of any behavioural concerns, the Ombudsman recommends that if Mr X was not granted a Bridging visa following the referral of his case to the Minister on 10 January 2017, his case be referred on a new ministerial submission under s 195A for the grant of a Bridging visa.</p>
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