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 a cumulative period of more than 54 months (four and a half years).

The first assessment 1002366 was tabled in Parliament on 11 November 2015 and the second assessment 1003429 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	1981
Ombudsman ID	1001283-O
Date of DIBP's reviews	14 September 2016 and 15 March 2017
Total days in detention	1,640 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1003429), Mr X remained at Facility F.	
7 July 2016	Transferred to Facility G.
24 July 2017	The Department of Immigration and Border Protection (the department) advised that Mr X resided in community detention.

Recent visa applications/case progression

13 April 2016	The Minister lifted the bar under ss 46A and 48B of the *Migration Act 1958* to allow Mr X to lodge a temporary visa application.
18 May 2016	Mr X was found to be ineligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.
27 July 2016	The Minister appealed the Full Federal Court decision and the High Court found that the International Treaties Obligations Assessment process was not procedurally unfair.[1]
24 August 2016	The department advised that Mr X's case was reassessed and he was found to be eligible to receive PAIS to assist him with lodging a temporary visa application. He accepted the offer on 26 August 2016.
9 September 2016	The Minister declined to consider Mr X's case under s 195A for the grant of a bridging visa.
14 October 2016	The Federal Circuit Court (FCC) heard Mr X's application for judicial review of his negative Independent Protection Assessment and affirmed the original decision.
1 December 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.

[1] *Minister for Immigration and Border Protection v SZSSJ* [2016] HCA 29.

3 February 2017	SHEV application refused. The department advised that the unintentional release of personal information[2] was taken into account when considering his protection claims.
1 March 2017	Mr X's case was referred to the Minister under s 197AB for consideration of a community detention placement.

Health and welfare

International Health and Medical Services advised that Mr X was previously diagnosed with schizophrenia and continued to receive monthly anti-psychotic injections. On 5 December 2016 a psychiatrist advised that Mr X would benefit from being transferred back to Perth Immigration Detention Centre as he had felt safer and experienced less physical and social stimulation, which he found to be disturbing and symptom provoking. The psychiatrist further advised that his condition remained stable and no change in medication was required.

Case status

Mr X was detained on 23 October 2011 after arriving in Australia by sea and has been held in an immigration detention facility for a cumulative period of more than four and a half years.

On 13 April 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 1 December 2016 Mr X lodged an application for a SHEV. Mr X's SHEV application was refused on 3 February 2017.

At the date of department's latest review, Mr X was eligible to apply to the FCC for judicial review of the department's decision.

[2] 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.