

## 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 more than 48 months (four years).

The first assessment 1002214 was tabled in Parliament on 25 November 2015 and the second assessment 1001232-O was tabled in Parliament on 14 September 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1988
<b>Ombudsman ID</b>	1001232-O1
<b>Date of DIBP's reviews</b>	1 August 2016 and 27 January 2017
<b>Total days in detention</b>	1,458 (at date of DIBP's latest review)

### Recent detention history

Since the Ombudsman's previous assessment (1001232-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

16 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 29 February 2016 and was assigned a provider.
2 March 2016	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant a Bridging visa.
20 April 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
15 July 2016	SHEV application refused. Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
9 September 2016	The IAA affirmed the decision to refuse Mr X's SHEV application.
10 October 2016	Requested judicial review by the Federal Circuit Court.
12 December 2016	The Minister declined to intervene under s 195A.

### Health and welfare

International Health and Medical Services advised that Mr X engaged with the mental health team for support and counselling regarding mood concerns and was prescribed with medication for insomnia. In April 2016 Mr X joined a support group for his psychological wellbeing whilst in detention and in November 2016 a mental health nurse reported that Mr X's mood had improved.
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**Ombudsman assessment/recommendation**

Mr X was detained on 30 January 2013 after arriving in Australia by sea and has been held in restricted detention for more than four years.

On 20 April 2016 Mr X lodged an application for a SHEV. Mr X's SHEV application was refused on 15 July 2016 and on 9 September 2016 the IAA affirmed the refusal.

At the time of the Department of Immigration and Border Protection's (the department) latest review Mr X was awaiting the outcome of judicial review.

In light of Mr X's length of time in detention and the absence of behavioural incidents or security concerns the Ombudsman recommends that Mr X be reconsidered for the grant of a Bridging visa under s 195A.