

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 42 months (three and a half years).

The first assessment 1003470 was tabled in Parliament on 31 August 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	1989
Ombudsman ID	1002177-O
Date of DIBP's reviews	27 September 2016 and 30 March 2017
Total days in detention	1,276 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1003470), Mr X remained at Facility F.	
1 April 2016	Transferred to community detention.

Recent visa applications/case progression

9 December 2016	Safe Haven Enterprise visa (SHEV) application refused. Mr X's case was referred to the Immigration Assessment Authority (IAA) for review on the same day.
10 March 2017	The IAA affirmed the decision to refused Mr X's SHEV application.

Health and welfare

International Health and Medical Services advised that Mr X continued to receive treatment for chronic schizophrenia. Following his transfer to community detention, Mr X was admitted to hospital on three occasions for psychiatric treatment following a deterioration in his mental health and non-compliance with medication. After being discharged from hospital, he was placed on a Community Treatment Order and monitored by community mental health service providers.	
7 April 2016 – 11 May 2016	Admitted to a psychiatric hospital.
23 June 2016 – 18 October 2016	Admitted to a psychiatric hospital.
29 March 2017	Admitted to a psychiatric hospital.

Other matters

2 May 2016 and 8 August 2016	The Department of Immigration and Border Protection (the department) responded to the Australian Human Rights Commission (AHRC) inquiry in relation to Mr X's complaint. On 24 February 2017 the AHRC advised that it had reported to the Attorney General's Department and its final report would be tabled shortly.
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Case status

Mr X was detained on 18 March 2013 after arriving in Australia by sea and has been held in detention for a cumulative period of more than three and a half years.

Mr X's SHEV application was refused on 9 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.