

ASSESSMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is third 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 1002480 was tabled in Parliament on 25 November 2015 and the second assessment 1002359-O 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	1985
Ombudsman ID	1002359-O1
Date of DIBP's reviews	8 October 2016 and 7 April 2017
Total days in detention	1,276 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1002359-O), Mr X remained at Maribyrnong Immigration Detention Centre (IDC).	
16 November 2016	Transferred to Christmas Island IDC

Recent visa applications/case progression

28 April 2016	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a Bridging visa.
24 June 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
29 September 2016	Mr X's SHEV application was refused and his case was referred to the Immigration Assessment Authority (IAA) for review.
12 January 2017	The IAA affirmed the decision to refuse Mr X's SHEV application.
6 February 2017	Applied to the Federal Circuit Court for judicial review.

Other legal matters

15 September 2016	An Intervention Order issued against Mr X expired.
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Health and welfare

International Health and Medical Services advised that Mr X was prescribed with medication for the management of symptoms of depression and anxiety including headaches. He attended regular group counselling and was reviewed by a psychiatrist in January 2017.
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Ombudsman assessment/recommendation

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

On 24 June 2016 Mr X lodged an application for a SHEV. The application was refused on 29 September 2016 and on 12 January 2017 the IAA affirmed the refusal.

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

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 recent behavioural or security concerns, the Ombudsman recommends that Mr X be considered under s 195A for the grant of a Bridging visa while he awaits the resolution of his case.