

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 60 months (five years). The previous assessment 1001023-O was tabled in Parliament on 10 May 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1995
Ombudsman ID	1001023-O1
Date of department's reports	11 May 2017 and 9 November 2017
Total days in detention	1,822 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Villawood Immigration Detention Centre (IDC).	
12 May 2017	Transferred to Yongah Hill IDC.

Recent visa applications/case progression

23 December 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
7 February 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.
19 April 2017	SHEV application refused.
27 April 2017	Applied to the Administrative Appeals Tribunal for merits review.
6 November 2017	The Minister declined to intervene under s 195A to grant Mr X a bridging visa.

Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues during this assessment period.

Information provided by Mr X

During an interview with Ombudsman staff on 5 January 2018 Mr X advised that he had a partner and child who were residing in Sydney on a SHEV. He stated that he missed them a lot and that their separation was very difficult for the whole family.

He advised that he had no major issues with his physical or mental health, only that he misses his family. Mr X explained that his son misses him and worries about him a lot.

Mr X further advised that his case manager was helpful and that he had spoken to him a few months ago.

Mr X stated that he goes for walks and to the gym. He advised that his mother remains in his home country and that he speaks with her over the telephone from time to time.

Ombudsman assessment

Mr X was detained on 20 June 2012 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for more than five years.

On 23 December 2016 Mr X lodged an application for a SHEV and on 19 April 2017 his application was refused. At the time of the Department of Home Affairs' (the department) latest report Mr X was awaiting the outcome of merits review.

During an interview with Ombudsman staff Mr X advised that he has a partner and child who are residing in Sydney on a SHEV. However the department's 486N reports provided that Mr X was not married or in a de-facto relationship.

On 19 January 2018 the department advised that Mr X had claimed that he was in a de-facto relationship, but had not provided evidence to support this claim.

The Ombudsman notes with concern the adverse impact of Mr X's ongoing separation from his claimed partner and son.

The Ombudsman further notes the department's advice that it has provided information to Mr X regarding the process of requesting a transfer to an immigration detention facility closer to his claimed partner and son.