

ASSESSMENT BY THE COMMONWEALTH 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 36 months (three years). The previous assessment 1002356-O was tabled in Parliament on 23 November 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	1985
Ombudsman ID	1002356-O1
Date of department's reports	26 April 2017 and 23 October 2017
Total days in detention	1,095 (at date of department's latest report)

Detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility A.	
4 April 2016	Transferred to a correctional facility.
9 May 2016	The Department of Immigration and Border Protection (the department) advised that Mr X was released from immigration detention while he remained at a correctional facility.
3 December 2016	Re-detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Facility B.
7 December 2016	Transferred to Facility C.

Visa applications/case progression

16 August 2016	Assigned a Primary Application Information Service (PAIS) provider to assist with lodging his temporary visa application.
13 October 2016	Lodged a Safe Haven Enterprise visa (SHEV) application with the assistance of his PAIS provider.
18 August 2017	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
10 October 2017	SHEV application refused.
16 October 2017	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.

Criminal history

May 2016	Convicted of aggravated assault and sentenced to eight months imprisonment and an additional one month for breaching his good behaviour order.
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Health and welfare

International Health and Medical Services advised that Mr X had previously disclosed a history of torture and trauma and during a psychiatric review in January 2017 he was provisionally diagnosed with schizophrenia. The psychiatrist advised that Mr X's history of assault may have been caused by untreated psychotic episodes. His condition continues to be monitored by the mental health team and a general practitioner.

Recent detention incidents

April 2016	An Incident Report recorded that Mr X allegedly assaulted another detainee.
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Case status

Mr X was detained on 28 March 2013 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and correctional facility, for a cumulative period of more than three years.

On 16 August 2016 Mr X was assigned a PAIS provider and on 13 October 2016 he lodged a SHEV application with the assistance of his PAIS provider.

Mr X's SHEV application was refused on 10 October 2017 and his case was referred to the IAA for review.