

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 1002372 was tabled in Parliament on 10 February 2016 and the second assessment 1001288-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	1977
Ombudsman ID	1001288-O1
Date of DIBP's reviews	19 September 2016 and 20 March 2017
Total days in detention	1,458 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1001288-O), Mr X remained at Wickham Point Alternative Place of Detention.	
21 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

18 January 2017	The Federal Circuit Court dismissed Mr X's application for judicial review.
9 February 2017	Applied to the Federal Court for judicial review.

Health and welfare

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

Ombudsman assessment/recommendation

<p>Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for more than four years. At the time of Department of Immigration and Border Protection's latest review Mr X was awaiting the outcome of judicial review.</p> <p>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 significant length of time Mr X has remained in detention and the absence of any behavioural and security concerns, the Ombudsman recommends that Mr X's case be referred to the Minister for consideration under s 195A for the grant of a Bridging visa.</p>
