

## ASSESSMENT BY THE COMMONWEALTH 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 immigration detention for a cumulative period of more than 48 months (four years). The previous assessment 1001618-O was tabled in Parliament on 15 February 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1986
<b>Ombudsman ID</b>	1001618-O1
<b>Date of DIBP's reports</b>	9 December 2016 and 19 June 2017
<b>Total days in detention</b>	1,458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous assessment (1001618-O), Mr X remained at Facility B.	
6 October 2016	Transferred to Facility C.

### Recent visa applications/case progression

31 August 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
9 September 2016	Safe Haven Enterprise visa (SHEV) application refused.
9 December 2016	<p>The Department of Immigration and Border Protection (the department) advised that Mr X had no right to appeal the refusal of his SHEV application to the Immigration Assessment Authority and was on a removal pathway.</p> <p>The department further advised that Mr X provided the department with a penal certificate from the United Kingdom which stated that on 24 February 2006 he was found guilty of sexual assault and received a one year community order and was placed on the sex offenders notice for five years. He was also found guilty of occasioning actual bodily harm on 15 December 2008 and sentenced to one year and two months imprisonment.</p>
14 December 2016	Applied to the Federal Circuit Court (FCC) for judicial review.
5 June 2017	The FCC quashed the decision to refuse Mr X's SHEV application and remitted the matter to the department for reconsideration.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X was prescribed with medication and reviewed by a physiotherapist for chronic back pain. His condition continued to be monitored by a general practitioner.

IHMS further advised that Mr X continued to take prescribed medication for the management of insomnia, anxiety, depression and a history of torture and trauma. He was advised to self-refer to the mental health team as required.

**Case status**

Mr X was detained on 13 October 2012 after arriving in Australia by sea and has been held in an immigration detention facility for a cumulative period of more than four years.

Mr X's SHEV application was refused on 9 September 2016. The FCC reviewed the decision and on 5 June 2017 remitted the application to the department for reconsideration.