

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 and his brother who have remained in immigration detention for more than 54 months (four and a half years). The previous assessment 1001758-O was tabled in Parliament on 21 June 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X (and brother)
Citizenship	Country A
Year of birth	1995

Family details

Family members	Master Y (brother)
Citizenship	Country A
Year of birth	2006

Ombudsman ID	1001758-O1
Date of department's reports	6 July 2017 and 9 January 2018
Total days in detention	1,640 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X and his brother continued to be placed in the community.¹

Recent visa applications/case progression

11 January 2017	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X and his brother's Safe Haven Enterprise visa (SHEV) application.
9 February 2017	Applied to the Federal Circuit Court (FCC) for judicial review. The matter was adjourned on 15 August 2017.
21 November 2017	A delegate of the Minister authorised Mr X to be Master Y's custodian under the <i>Immigration (Guardianship of Children) Act 1946</i> (IGOC). Master Y remains an IGOC minor under the guardianship of the Minister.
The Department of Home Affairs (the department) advised that Master Y will not be considered for the grant of a bridging visa while he is a minor and that Mr X advised that he did not wish to be considered for a bridging visa at this time.	

¹ Mr X and his brother were granted a placement in the community under s 197AB and remain in immigration detention.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X has chronic hepatitis B, however he did not report any associated health concerns during this assessment period.

Master Y

IHMS advised that Master Y did not receive treatment for any major physical or mental health issues during this assessment period.

Case status

Mr X and his brother have been found not to be owed protection under the *Migration Act 1958* and have remained in immigration detention, both in a detention facility and the community, for more than four and a half years.

On 11 January 2017 the IAA affirmed the decision to refuse Mr X and his brother's SHEV application and on 9 February 2017 Mr X and his brother applied to the FCC for judicial review.

At the time of the department's latest report, Mr X and his brother were awaiting the outcome of judicial review.