

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 54 months (four and a half years). The previous assessment 1001953-O1 was tabled in Parliament on 29 November 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	1982
Ombudsman ID	1001953-O2
Date of department's report	29 January 2018
Total days in detention	1,643 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Facility B.

Recent visa applications/case progression

29 January 2018	<p>The Department of Home Affairs (the department) advised that Mr X had been identified for assessment against the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.</p> <p>The department advised that Mr X was scheduled to attend a directions hearing on 21 February 2018 at the Federal Circuit Court in relation to his application for judicial review of the Immigration Assessment Authority's (IAA) decision.</p> <p>The department further advised that Mr X is no longer of interest to an external agency.</p>
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Health and welfare

International Health and Medical Services advised that Mr X attended counselling and was prescribed with medication for the management of symptoms of depression, poor sleep and a sense of hopelessness regarding his prolonged detention.

Ombudsman assessment/recommendation

Mr X was detained on 24 December 2012 after arriving in Australia by sea and has remained in an immigration detention facility for more than four and a half years.

On 19 September 2016 Mr X lodged an application for a Safe Haven Enterprise visa (SHEV). Mr X's SHEV application was refused on 21 April 2017 and on 1 June 2017 the IAA affirmed the refusal.

At the time of the department's report Mr X was awaiting the outcome of judicial review.

The Ombudsman notes that Mr X is no longer of interest to an external agency.

The Ombudsman also notes with concern the government's duty of care to detainees and the serious risk to physical and mental health prolonged immigration detention may pose.

In light of the significant length of time Mr X has remained in detention and the absence of any recent behavioural or 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.