

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABELING 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 more than 54 months (four and a half years). The previous assessment 1001332-O was tabled in Parliament on 1 March 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>	1997
<b>Ombudsman ID</b>	1001332-O1
<b>Date of DIBP's report</b>	3 May 2017
<b>Total days in detention</b>	1,640 (at date of DIBP's report)

### Recent detention history

Since the Ombudsman's previous assessment (1001332-O), Mr X has continued to be placed in the community<sup>1</sup> with his parents.<sup>2</sup>

### Recent visa applications/case progression

15 December 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
3 May 2017	The Department of Immigration and Border Protection (the department) advised that processing of Mr X's Safe Haven Enterprise visa (SHEV) application may be delayed until his criminal charges are finalised.  The department further advised that the Minister declined to intervene under s 197AD to revoke Mr X's community placement following criminal charges.

### Other legal matters

11 November 2016	Mr X was charged with two counts of arson and scheduled to attend a court hearing on 6 June 2017.
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### Health and welfare

International Health and Medical Services advised that Mr X attended psychological counselling to manage symptoms of anxiety and depression and to improve his daily functioning.

### Recent detention incidents

6 and 14 February 2017	Incident Reports recorded that Mr X and his parents' community property was vandalised by a group of unidentified boys.
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<sup>1</sup> Mr X was granted a placement in the community under s 197AB and remains in immigration detention.

<sup>2</sup> Mr X's parents, Mr Y and Ms Z, are the subjects of Ombudsman assessment 1001513-O1.

**Case status**

Mr X was detained on 5 November 2012 after arriving in Australia by sea and has been held in detention for more than four and a half years.

Mr X lodged a SHEV application on 31 October 2016 and on 3 May 2017 the department advised that the processing of his application may be delayed until his criminal charges are finalised.