

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the second s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than three years. The previous assessment 1002442-O was tabled in Parliament on 14 June 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1984
<b>Ombudsman ID</b>	1002442-O1
<b>Date of department's report</b>	4 July 2017
<b>Total days in detention</b>	1,094 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
October 2017	Granted a bridging visa and released from immigration detention.

### Recent visa applications/case progression

January 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
May 2017	The Federal Circuit Court dismissed Mr X's application for judicial review of the Immigration Assessment Authority's decision to affirm the refusal of his Safe Haven Enterprise visa.
May 2017	Applied to the Federal Court (FC) for judicial review.
June 2017	Found not to meet the guidelines for referral to the Minister for his consideration to lift the bar under s 48B.
October 2017	Granted a bridging visa.

### Health and welfare

International Health and Medical Services advised that Mr X continued to engage with the mental health team for the management of multiple mental health concerns. He was prescribed with medication for headaches related to situational stress and was monitored following an incident of self-harm.
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### **Information provided by Mr X**

During an interview with Ombudsman staff in May 2017 Mr X advised that he wished to apply for judicial review at the FC but he did not have a lawyer to help him. He explained that when he originally applied for protection he did not raise certain aspects of his claims as he felt uncomfortable doing so. Mr X said that he wanted his case to be reconsidered and hoped to be given another chance to be part of the community.

Mr X advised that he was engaging with specialist counselling for his mental health concerns. Mr X provided a psychological report from a counsellor which recommended that he be placed in the community, since the restrictive environment of the detention facility was severely impacting his mental health. Mr X said that since his protection claims had been rejected, he was feeling more isolated and frustrated. He said that he was also experiencing severe headaches that were not relieved by pain relief medication.

Mr X said that he had friends in Australia and that his family remains in Country A. He explained that he had not contacted his family in a long time because he felt embarrassed about his situation. He was also concerned about his mother's wellbeing.

### **Case status**

Mr X was detained in May 2013 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than three years. At the time of the Department of Home Affairs' report Mr X was awaiting the outcome of judicial review.

Mr X was granted a bridging visa in October 2017 and released from immigration detention.