

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 restricted immigration detention for more than 54 months (four and a half years).

The first assessment 1001979 was tabled in Parliament on 12 August 2015 and the second assessment 1003351 was tabled in Parliament on 14 September 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1964
Ombudsman ID	1002101-O
Date of DIBP's reviews	31 October 2016 and 1 May 2017
Total days in detention	1,640 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1003351), Mr X remained at Wickham Point Alternative Place of Detention.	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).
26 August 2016	Transferred to Christmas Island IDC.
7 December 2016	Transferred to Yongah Hill IDC.

Recent visa applications/case progression

12 July 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.
7 September 2016	Safe Haven Enterprise visa (SHEV) application refused.
13 September 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
7 December 2016	Found not to meet the guidelines for referral to the Minister under s 195A.
10 January 2017	The IAA affirmed the decision to refuse Mr X's SHEV application.
15 February 2017	Applied to the Federal Circuit Court (FCC) for judicial review.
28 April 2017	Attended a hearing at the FCC and the matter was adjourned. A final hearing was scheduled for 16 August 2017.
1 May 2017	The Department of Immigration and Border Protection (the department) advised that Mr X was identified as a person of interest to an external agency and attended an interview with that agency on 2 May 2017.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for a complex autoimmune condition and associated complications. Mr X was monitored by the IHMS medical team after he was non-compliant with prescribed medication and regular pathology testing. IHMS advised that he resumed his treatment on 23 January 2017 and continued to be monitored by a general practitioner (GP) and immunology specialist.

IHMS further advised that Mr X received treatment for vertigo. He underwent investigative testing on 13 April 2016 after presenting with dizziness and nausea and no further concerns were reported. His condition continued to be monitored by a GP and ophthalmologist.

Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Case status

Mr X was detained on 3 November 2012 after arriving in Australia by sea and has been held in restricted detention for more than four and a half years.

Mr X's SHEV application was refused on 7 September 2016 and on 10 January 2017 the IAA affirmed the refusal. At the time of the department's latest review Mr X was awaiting the outcome of judicial review.