

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 36 months (three years). The previous assessment 1002419-O was tabled in Parliament on 21 June 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1002419-O1
Date of department's report	27 May 2017
Total days in detention	1,094 (at date of department's report)

Recent detention history

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

Recent visa applications/case progression

20 March 2017	The Federal Circuit Court dismissed Mr X's application for judicial review of the Immigration Assessment's Authority's (IAA) decision.
10 April 2017	Applied to the Full Federal Court (FFC) for judicial review.

Health and welfare

International Health and Medical Services advised that Mr X continued to attend scheduled mental health reviews during this assessment period.
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Information provided by Mr X

During an interview with Ombudsman staff on 23 May 2017 Mr X advised that he had arrived in Australia in 2012 and, prior to being re-detained, had resided in the community on a bridging visa. He stated that his bridging visa had been cancelled following an alleged criminal offence, however those charges were later withdrawn. He stated that he had been told that even though the charge had been withdrawn, it remained a problem for the progression of his case.

Mr X claimed that people in Country A had been told about the criminal allegations and, as a result, there were threats to his safety in Country A. He stated that he attempted to provide this information to the IAA as evidence, however it could not be taken into account as it was not previously provided to the department. He stated that his circumstances had changed since he had lodged his case with the department and he would like to reapply for a Protection visa. He advised that his case was currently with the FFC and he had a lawyer representing him.

Mr X alleged that he had been assaulted by another detainee at Facility B and that he had feared for his life at the time. He stated that Serco officers had assisted him and the alleged attacker had been transferred to another facility. He advised that due to the transfer he felt safer but claimed that there was a lot of violence at the facility and some people held biased views against him because of the criminal allegations.

Mr X stated that his physical health was good, but his mental health had been affected by detention. He stated that the possibility of being returned made him feel very upset, however he did not talk to the mental health team as he did not find them helpful.

Mr X advised that his parents and family remained in Country A and that he did not contact them frequently as it could be upsetting. He stated that he has an uncle and friends in Melbourne who would be able to support him if he was released from detention.

Case status

Mr X was detained on 14 November 2012 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than three years.

Mr X was granted a bridging visa on 16 August 2017 and released from immigration detention.