

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who has remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1998
Ombudsman ID	1002723-O
Date of department's reports	29 July 2017 and 29 January 2018
Total days in detention	914 (at date of department's latest report)

Detention history

30 January 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea as an unaccompanied minor. He was transferred to Facility B.
13 February 2013	Transferred to Facility C.
27 April 2013	Transferred to Facility D
15 May 2013	Transferred to Facility E.
10 June 2013	Transferred to Facility F.
22 August 2013	Placed in the community. ¹
8 October 2013	Absconded from immigration detention and remained unlawfully in the community.
6 April 2016	Re-detained under s 189(1) and transferred to Facility G.
2 May 2016	Transferred to Facility H.
12 July 2016	Transferred to Facility I.

Visa applications/case progression

10 August 2013	The Minister intervened under s 197AB to grant Mr X a community placement.
8 October 2013	The Minister revoked Mr X's community placement under s 197AD.
27 May 2016	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
10 June 2016	Mr X was notified that he was eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on the same day and was assigned a provider.
11 May 2017	Lodged a Safe Haven Enterprise visa (SHEV) application.

¹ Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

2 August 2017	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
21 September 2017	SHEV application refused.
31 October 2017	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X's SHEV application.
13 November 2017	Requested removal from Australia.
1 December 2017	Withdrew his application for voluntary removal.
14 December 2017	Applied to the Federal Circuit Court for judicial review.

Criminal history

April 2016	Convicted of threatening to inflict serious injury and unlawful assault. He was placed on a one year good behaviour bond with an intervention order.
June 2016	Convicted of breaching an intervention order. He received a fine and was placed on a further nine month good behaviour bond.

Health and welfare

International Health and Medical Services advised that Mr X was provided with treatment for a knee injury with associated pain. Mr X declined support from the mental health team after being identified with a history of torture and trauma.	
5 July 2013	An Incident Report recorded that Mr X threatened self-harm.
10 August 2013 and 22 November 2017	Incident Reports recorded that Mr X refused food and fluid.

Other matters

Mr X's former partner and daughter reside lawfully in the community.
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Case status

Mr X was detained on 30 January 2013 after arriving in Australia by sea as an unaccompanied minor. He has remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than two and a half years. On 27 May 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 11 May 2017 Mr X lodged an application for a SHEV. Mr X's SHEV application was refused on 21 September 2017. The IAA affirmed the refusal on 31 October 2017 and at the time of the department's latest report Mr X was awaiting the outcome of judicial review.
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