

## ASSESSMENT BY THE COMMONWEALTH FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the third s 486O assessment on Mr X and his brother Master Y<sup>1</sup> who have remained in immigration detention for more than 48 months (four years).

The first assessment 1003111 was tabled in Parliament on 11 November 2015 and the second assessment 1001880-O was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X (and brother)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1999

### Family details

<b>Family members</b>	Master Y (brother)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	2002

<b>Ombudsman ID</b>	1002538-O
<b>Date of DIBP's reviews</b>	26 October 2016 and 26 April 2017
<b>Total days in detention</b>	1,458 (at date of DIBP's latest review)

### Recent detention history

Since the Ombudsman's previous assessment (1001880-O), Mr X and Master Y have remained in community detention.

### Recent visa applications/case progression

5 October 2015	Mr X and Master Y lodged a Safe Haven Enterprise visa (SHEV) application with their older brother, Mr Z.
30 August 2016	SHEV application refused.
6 September 2016	The brothers' case was referred to the Immigration Assessment Authority (IAA) for review.
23 January 2017	The IAA affirmed the decision to refuse the brothers' SHEV application.
23 February 2017	Applied to the Federal Circuit Court for judicial review.

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<sup>1</sup> Mr X and Master Y were previously reported on with their older brother, Mr Z, who was granted a bridging visa on 25 February 2015. He is no longer subject to review under s 486N.

**Health and welfare**

*Mr X and Master Y*

International Health and Medical Services advised that Mr X and Master Y did not require treatment for any major physical or mental health issues during this assessment period.

**Case status**

Mr X and Master Y were detained on 29 April 2013 after arriving in Australia by sea and have been held in detention for more than four years.

The brothers' SHEV application was refused on 30 August 2016 and on 23 January 2017 the IAA affirmed the refusal. At the date of the Department of Immigration and Border Protection's latest review, the brothers were awaiting the outcome of judicial review.