

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 a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1992
Ombudsman ID	1002642-O
Date of DIBP's reports	19 April 2017 and 19 September 2017
Total days in detention	912 (at date of DIBP's latest report)

Detention history

13 November 2012	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving in Australia as an irregular maritime arrival. He was transferred to Facility B.
12 December 2012	Granted a bridging visa and released from detention
20 April 2015	Re-detained under s 189(1) following his release from a correctional facility. He was transferred to Facility C.
28 August 2015	Transferred to Facility D.

Visa applications/case progression

12 December 2012	Mr X was granted a bridging visa.
12 June 2013	Bridging visa expired and Mr X remained unlawfully in the community.
11 February 2016	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
29 April 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 6 May 2016 and was assigned a provider.
22 June 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
29 June 2016	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
6 October 2016	Issued with a Notice of Intention to Consider Refusal (NOICR) of his SHEV application under s 501 following criminal convictions. Mr X provided a response on 5 December 2016.
16 December 2016	The Department of Immigration and Border Protection advised Mr X of further information that may be taken into account when considering whether to refuse his SHEV application. He was invited to comment on that information and provided multiple responses.

Criminal history

18 March 2014	Mr X was arrested by the police. He was extradited to a different state on 20 March 2014 and remanded in criminal custody.
20 April 2015	Convicted of one count of an indecent act in the presence of a child and sentenced to 398 days imprisonment with time served. He was placed on a sex offenders' register.

Health and welfare

International Health and Medical Services advised that Mr X engaged with the mental health team for the management of anxiety, insomnia and a history of torture and trauma. In July 2017 Mr X attended a mental health assessment and presented with symptoms of depression, anxiety and detention fatigue. He reported that he tried to improve his mood by keeping active and was referred for psychological counselling.

Case status

Mr X was detained on 13 November 2012 after arriving in Australia by sea and has remained in an immigration detention facility for more than two and a half years.

On 11 February 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 22 June 2016 Mr X lodged a SHEV application.

On 6 October 2016 Mr X was issued with a NOICR of his SHEV application under s 501 following a criminal conviction.