

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	1969
Ombudsman ID	1002644-O
Date of DIBP's report	20 April 2017 and 19 October 2017
Total days in detention	912 (at date of DIBP's latest report)

Detention history

21 April 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa. He was transferred to Villawood Immigration Detention Centre (IDC).
21 May 2015	Transferred to Christmas Island IDC.
16 October 2015	Transferred to Yongah Hill IDC.

Visa applications/case progression

Mr X arrived in Australia at Sydney International Airport on 21 April 2015 on a visitor visa. His visa was cancelled under s 116 on entry as he was found to be using a fraudulent passport.	
2 June 2015	Lodged a Temporary Protection visa (TPV).
14 March 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a new temporary visa application or providing supporting information for his existing application. He accepted the offer on 18 March 2016.
27 May 2016	Lodged a Safe Haven Enterprise visa (SHEV) application and withdrew his existing TPV application.
28 July 2016	SHEV application refused.
12 August 2016	Applied to the Administrative Appeals Tribunal (AAT) for merits review.
15 August 2016	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
22 November 2016	AAT affirmed original decision.
9 December 2016	Applied to the Federal Circuit Court (FCC) for judicial review.
18 May 2017	FCC dismissed the application.
25 May 2017	Applied to the Full Federal Court for judicial review with a hearing scheduled for 14 November 2017.
10 October 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X underwent testing and received treatment for knee pain and gastroenterological concerns. IHMS further advised that Mr X engaged with the mental health team for the management of a history of torture and trauma.	
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22 April 2015	An Incident Report recorded that Mr X threatened self-harm.
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Case status

<p>Mr X was detained on 21 April 2015 following the cancellation of his visa and has remained in an immigration detention facility for more than two and a half years.</p>
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<p>On 27 May 2016 Mr X lodged a SHEV application and on 28 July 2016 his application was refused. At the time of the Department of Immigration and Border Protection's latest report Mr X was awaiting the outcome of judicial review.</p>
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<p>On 10 October 2017 Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a bridging visa.</p>
