

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than four and a half years. The previous assessment 1002151-O was tabled in Parliament on 18 October 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1980
Ombudsman ID	1002151-O1
Date of department's reports	7 September 2017 and 8 March 2018
Total days in detention	1,640 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
August 2017	Transferred to Facility C.
September 2017	Transferred to Facility B.

Recent visa applications/case progression

August 2017	The Full Federal Court (FFC) set aside the Federal Court's decision of December 2016 and ordered that Mr X's adverse security assessment be quashed.
November 2017	An external agency issued Mr X with an adverse security assessment.
January 2018	The Department of Home Affairs (the department) invited Mr X to comment on his adverse security assessment in connection with his Safe Haven Enterprise visa application.
February 2018	Mr X advised the department that he had written to the external agency seeking further information before he could provide a response to the department.

Health and welfare

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

Ombudsman assessment

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

In August 2017 the FFC ordered that Mr X's adverse security assessment be quashed and in November 2017 an external agency issued Mr X with an adverse security assessment.

The Ombudsman's previous assessment recommended that in light of the significant length of time Mr X had remained in immigration detention and in the absence of any recent behavioural concerns, that he be considered under s 195A of the *Migration Act 1958* for the grant of a bridging visa. The Ombudsman further recommended that if Mr X was not granted a bridging visa, that he be considered for transfer to an immigration detention facility in City D to be closer to his support network.

On 18 October 2017 the Minister advised that as Mr X was the subject of an ongoing security assessment, consideration of his case under s 195A was not appropriate at that time. The Minister further advised that a transfer was not possible due to capacity issues.

At the time of the department's latest report, Mr X had been invited to comment on his adverse security assessment.

The Ombudsman notes with concern that without changes to current policy and practice relating to individuals who are the subject of adverse security assessments, Mr X will remain in an immigration detention facility for an indefinite period.