

## 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 two years.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1993
<b>Ombudsman ID</b>	1002811-O
<b>Date of department's report</b>	14 December 2017
<b>Total days in detention</b>	730 (at date of department's report)

### Detention history

November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to Facility B.
November 2012 – March 2013	Transferred three times between various immigration facilities.
July 2013	Granted a bridging visa and released from immigration detention.
May 2016	Re-detained under s 189(1) following the cancellation of his visa under s 116. He was transferred to Facility C.
May 2016	Bridging visa reinstated and released from immigration detention.
September 2016	Re-detained under s 189(1) following his release from criminal custody and transferred to Facility C.

### Visa applications/case progression

July 2013	The Minister intervened under s 195A to grant Mr X a bridging visa.
October 2014	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
December 2015	Mr X was invited to apply for a Temporary Protection visa or a Safe Haven Enterprise visa (SHEV).
May 2016	Bridging visa cancelled under s 116 following criminal charges.
May 2016	The Administrative Appeals Tribunal (AAT) set aside the cancellation decision and Mr X's bridging visa was reinstated.
July 2016	Bridging visa ceased.
December 2016	Lodged SHEV and bridging visa applications.
January 2017	Bridging visa application refused.
January 2017	The AAT affirmed the refusal decision.
May 2017	SHEV application refused.
July 2017	The Immigration Assessment Authority (IAA) affirmed the refusal decision.

December 2017	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review.
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**Criminal history**

September 2016 – November 2016	Convicted of multiple offences and directed to enter a good behaviour bond.
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**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple medical concerns. Mr X required extensive treatment, further investigating testing and specialist review. IHMS further advised that Mr X engaged with the mental health team for supportive counselling.	
December 2015	An Incident Report recorded that Mr X was admitted to hospital.
October 2017	An Incident Report and IHMS recorded that Mr X was transferred to an emergency department.

**Other matters**

Mr X's brother resides in the community on a bridging visa.
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**Case status**

<p>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 two years.</p> <p>In October 2014 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and in December 2016 Mr X lodged an application for a SHEV.</p> <p>Mr X's SHEV application was refused in May 2017 and in July 2017 the IAA affirmed the refusal.</p> <p>In December 2017 the FCC dismissed Mr X's application for judicial review.</p>
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