

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 48 months (four years). The previous assessment 1001697-O was tabled in Parliament on 1 March 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	1996
Ombudsman ID	1001697-O1
Date of department's reports	2 May 2017 and 30 October 2017
Total days in detention	1,457 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Brisbane Immigration Transit Accommodation.

Recent visa applications/case progression

4 April 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
30 June 2017 and 19 September 2017	Found not to meet the guidelines for referral to the Minister under s 197AB to be considered for a community placement.
10 August 2017	The Department of Immigration and Border Protection (the department) sent Mr X a letter requesting for him to respond to adverse information concerning his criminal history. On 12 October 2017 Mr X's migration agent provided a response.
19 September 2017	Found not to meet the guidelines for referral to the Minister under s 195A.
17 October 2017	Mr X's Safe Have Enterprise visa (SHEV) application, lodged on 11 October 2016, was referred to the Visa Application Character Consideration Unit (VACCU) for a character assessment.

Criminal history

14 November 2016	Sentenced to one year and two months imprisonment for burglary, fraud and property offences. The term of imprisonment was suspended for two years.
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Health and welfare

International Health and Medical Services advised that Mr X engaged with the mental health team to manage frustration related to his immigration pathway. He attended a psychiatric review on 26 August 2017 and no major mental health concerns were identified.

Other matters

Mr X's mother and four siblings were granted SHEVs on 22 September 2017. They currently reside in the community in Queensland.

Case status

Mr X was detained on 5 July 2013 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than four years.

Mr X lodged a SHEV application on 11 October 2016 and on 17 October 2017 his application was referred to the VACCU for a character assessment.

On 4 April 2017 the Minister declined to intervene under s 195A to grant Mr X a bridging visa and on 30 June 2017 and 19 September 2017 Mr X was found not to meet the guidelines under s 197AB for the grant of a community placement.