

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.

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| Name | Mr X |
| Citizenship | Country A |
| Year of birth | 1983 |
| Ombudsman ID | 1002812-O |
| Date of department's report | 17 December 2017 |
| Total days in detention | 730 (at date of department's report) |

Detention history

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| May 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. |
| June 2012 | Transferred to Facility C. |
| July 2012 | Transferred to Facility D. |
| January 2013 | Granted a bridging visa and released from immigration detention. |
| September 2016 | Re-detained under s 189(1) following his release from a correctional facility. He was transferred to Facility E. |
| May 2017 | Transferred to Facility F. |

Visa applications/case progression

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| January 2013 | The Minister intervened under s 195A to grant Mr X a bridging visa. The Minister also lifted the bar under s 46A to allow Mr X to lodge a temporary visa application. |
| February 2013 | Lodged a Protection visa application. |
| October 2013 | Protection visa application refused. |
| March 2015 | The Refugee Review Tribunal remitted Mr X's case to the Department of Home Affairs (the department) for reconsideration with the direction that Mr X is a refugee. |
| November 2016 | Mr X's Protection visa application was deemed to be a Temporary Protection visa (TPV) application. |
| March 2017 | Issued with a Notice of Intention to Consider Refusal (NOICR) of his TPV application under s 501 following criminal convictions. Mr X provided responses in July 2017. |
| August 2017 | Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa. |
| October 2017 | A delegate of the Minister refused to grant Mr X a TPV under s 501. |
| October 2017 | Applied to the Administrative Appeals Tribunal for merits review. |

Criminal history

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| March 2016 | Convicted of an offence and sentenced to 10 months imprisonment with a non-parole period of six months and 11 days. |
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple medical concerns. At the time of IHMS's report he was awaiting the results of investigative testing. IHMS further advised that Mr X engaged with the mental health team and reported that he was experiencing mental health concerns associated with the length of time he has remained in detention and his uncertain future. In a follow-up review it was noted that Mr X displayed an improved mood and he continued to access support as required.

Case status

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

Mr X was issued with a NOICR of his TPV application in March 2017 and in October 2017 a delegate of the Minister refused to grant Mr X a TPV.

At the time of the department's latest report Mr X was awaiting the outcome of merits review.