

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O assessment on Mr X who has remained in immigration detention more than five years. The previous assessment 1001543-O1 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	1971
Ombudsman ID	1001543-O2
Date of department's report	31 October 2017
Total days in detention	1,822 (at date of department's report)

Recent detention history

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

Recent visa applications/case progression

July 2017	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the Immigration Assessment Authority's decision to affirm the refusal of his Safe Haven Enterprise visa application.
July 2017	Applied to the Federal Court for review of the FCC's decision. A hearing was scheduled for November 2017.
October 2017	The Department of Home Affairs (the department) advised that Mr X had been identified for assessment against the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.

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/recommendation

<p>Mr X has been found not to be owed protection under the <i>Migration Act 1958</i> and has remained in an immigration detention facility for more than five years. At the time of the department's report Mr X was awaiting the outcome of judicial review.</p> <p>The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to physical and mental health prolonged immigration detention may pose.</p> <p>In light of the significant length of time Mr X has remained in detention and the absence of any recent behavioural or security concerns, the Ombudsman recommends that Mr X be considered under s 195A for the grant of a bridging visa while he awaits the resolution of his immigration status.</p>
