

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 remained in immigration detention for a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1995
Ombudsman ID	1002731-O
Date of department's report	7 August 2017
Total days in detention	732 (at date of department's report)

Detention history

6 January 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
23 March 2013 – 27 April 2013	Transferred three times between various immigration detention facilities.
11 June 2013	Granted a bridging visa and released from immigration detention.
9 December 2015	Re-detained under s 189(1) following the cancellation of his bridging visa. He was transferred to Maribyrnong Immigration Detention Centre (IDC).
7 December 2016 – 15 June 2017	Transferred four times between various immigration detention facilities.
24 October 2017	Granted a bridging visa and released from immigration detention.

Visa applications/case progression

9 December 2015	Bridging visa cancelled under s 116 following criminal charges.
10 December 2015	Applied to the Administrative Appeals Tribunal (AAT) for merits review. The AAT affirmed the original decision on 23 December 2015.
1 September 2016	Safe Haven Enterprise visa (SHEV) application refused.
6 January 2017	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X's SHEV application.
10 February 2017	Applied to the Federal Circuit Court for judicial review.
24 October 2017	Granted a bridging visa.

Other legal matters

18 November 2015	Charged with sexual assault.
11 January 2018	The Department of Home Affairs (the department) advised that the charges against Mr X were dismissed in October 2017.

Health and welfare

International Health and Medical Services advised that Mr X received treatment for asthma, weight concerns and a deviated nasal septum. He also regularly attended counselling for the management of detention fatigue and stress related to the detention centre environment.

Other matters

15 May 2017	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman (the Office) in relation to his transfer to Christmas Island IDC as he believed he may be in breach of his bail conditions. The Office investigated the matter and the department advised that Mr X's bail conditions had been amended by the court. The department advised that it would inform Mr X of these amendments and the complaint was closed.
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Case status

Mr X was detained on 6 January 2013 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than two years.

Mr X's SHEV application was refused on 1 September 2016 and on 6 January 2017 the IAA affirmed the refusal. At the date of the department's report Mr X was awaiting the outcome of judicial review.

Mr X was granted a bridging visa on 24 October 2017 and released from immigration detention.