

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 for more than five years. The previous assessment 1001406-O1 was tabled in Parliament on 7 February 2018. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1999
Ombudsman ID	1001406-O2
Date of department's report	17 November 2017
Total days in detention	1,822 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has continued to be placed in the community.¹

Recent visa applications/case progression

September 2017	Safe Haven Enterprise visa (SHEV) application refused.
October 2017	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X's SHEV application.

Other legal matters

August 2017	Mr X was issued with a notice to attend court in relation to alleged driving offences.
-------------	--

Health and welfare

International Health and Medical Services advised that Mr X attended counselling for anxiety and depression in August and September 2017 and his condition continued to be monitored by a general practitioner and psychologist.

¹ Mr X was granted a placement in the community under s 197AB and remains in immigration detention.

Case status

Mr X was detained in November 2012 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for more than five years.

Mr X's SHEV application was refused in September 2017 and in October 2017 the IAA affirmed the refusal.

The Ombudsman's previous assessment recommended that the Department of Home Affairs expedite the assessment of Mr X's SHEV application in light of the length of time that he had awaited the resolution of his immigration status.

On 7 February 2018 the Minister advised that Mr X had been found to not be owed protection under the *Migration Act 1958* and that this decision had been affirmed by the IAA. The Minister further advised that Mr X has sought further judicial review with the Federal Circuit Court.