

## 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 more than 48 months (four years). The previous assessment 1003526 was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1976
<b>Ombudsman ID</b>	1001736-O
<b>Date of DIBP's reports</b>	19 October 2016 and 20 April 2017
<b>Total days in detention</b>	1,458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous assessment (1003526), Mr X remained at Wickham Point Alternative Place of Detention.	
21 July 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).
23 March 2017	Transferred to Christmas Island IDC.

### Recent visa applications/case progression

18 April 2016	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
20 April 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 31 May 2016 and was assigned a provider.
9 August 2016	Lodged a Temporary Protection visa (TPV) application.
20 April 2017	The Department of Immigration and Border Protection (the department) advised that Mr X was in the process of withdrawing his TPV application as he wished to lodge a new application that included his family.  The department further advised that Mr X has been identified for assessment against the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.

### Health and welfare

International Health and Medical Services advised that Mr X received treatment for ankle pain and a stomach bacterial infection.
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### **Ombudsman assessment/recommendation**

Mr X was detained on 22 April 2013 after arriving in Australia by sea and has been held in detention for more than four years.

On 18 April 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 9 August 2016 Mr X lodged an application for a TPV.

The department advised that Mr X was in the process of withdrawing his TPV application as he wished to lodge a new application that included his family.

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.

1. 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.
2. The Ombudsman further recommends that if Mr X is not granted a bridging visa that he be considered for transfer to an immigration facility that is closer to his family.