

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.

Name	Mr X
Citizenship	Country A
Year of birth	1988
Ombudsman ID	1002809-O
Date of department's report	12 December 2017
Total days in detention	730 (at date of department's report)

Detention history

June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to Facility B.
July 2013	Transferred to Facility C.
July 2013	Transferred to Facility D.
August 2013	Granted a bridging visa and released from immigration detention.
June 2015	Re-detained under s 189(1) following the cancellation of his visa under s 116. He was transferred to Facility E.
June 2015	Bridging visa reinstated and released from immigration detention.
February 2016	Re-detained under s 189(1) following the cancellation of his visa under s 116. He was transferred to Facility E.
November 2016	Transferred to Facility C.
March 2017	Transferred to Facility F.
May 2017	Transferred to Facility C.

Visa applications/case progression

August 2013	The Minister intervened under s 195A to grant Mr X a bridging visa.
January 2015	The Minister lifted the bars under ss 91L and 46A to allow Mr X to lodge a further bridging visa application.
February 2015	Lodged an application for a bridging visa which was granted on 3 March 2015.
June 2015	Issued with a Notice of Intention to Consider Cancellation (NOICC) of his bridging visa under s 116 following criminal convictions. His bridging visa was cancelled under s 116 on the same day.
June 2015	The Migration Review Tribunal (MRT) set aside the cancellation decision and Mr X's bridging visa was reinstated.

February 2016	Issued with a NOICC of his bridging visa under s 116 following further criminal convictions. His bridging visa was cancelled under s 116 on the same day.
February 2016	The MRT affirmed the cancellation decision.
April 2016	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
June 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
August 2016	SHEV application refused.
November 2016	The Immigration Assessment Authority (IAA) remitted Mr X's case to the Department of Home Affairs (the department) for reconsideration.
October 2017	Issued with a Notice of Intention to Consider Refusal (NOICR) of his SHEV application under s 501 on character grounds.
December 2017	The department advised that Mr X was not being considered for referral to the Minister under 195A for the grant of a bridging visa while his case is being considered under s 501.

Criminal history

May 2015 – July 2017	Convicted of multiple offences and received multiple fines.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X received treatment for complex mental health concerns. He was admitted to hospital on two occasions in 2014 and 2015 and was prescribed with medication to manage his symptoms and stress regarding his immigration status.</p> <p>IHMS further advised that Mr X also received treatment for pain resulting from an injury sustained in 2014. He was prescribed with medication and at the time of IHMS's latest report was awaiting an appointment for further investigative testing.</p>	
September 2014 and January 2015	Incident Reports recorded that Mr X was admitted to hospital with mental health concerns.

Detention incidents

September 2014 – November 2016	Incident Reports recorded that Mr X was allegedly assaulted on several occasions.
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Case status

<p>Mr X was detained in June 2013 after arriving in Australia by sea and has remained in an immigration detention facility for a cumulative period of more than two years.</p> <p>In February 2016 Mr X's bridging visa was cancelled under s 116 and the MRT affirmed the decision. In June 2016 Mr X lodged a SHEV application and in August 2016 Mr X's SHEV application was refused.</p> <p>In November 2016 the IAA remitted Mr X's case to the department for reconsideration and on 31 October 2017 Mr X was issued with a NOICR of his SHEV application under s 501. At the date of the department's report the matter remained ongoing.</p>	
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