

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 a cumulative period of more than 48 months (four years). The previous assessment 1001953-O was tabled in Parliament on 1 March 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 | 1982 |
| Ombudsman ID | 1001953-O1 |
| Date of DIBP's reports | 27 January 2017 and 28 July 2017 |
| Total days in detention | 1,458 days (at date of DIBP's latest report) |

Recent detention history

| |
|---|
| Since the Ombudsman's previous assessment (1001953-O), Mr X has remained at Facility B. |
|---|

Recent visa applications/case progression

| | |
|---|--|
| Mr X arrived in Australia by sea between 13 August 2012 and 19 July 2013. He was transferred to a Regional Processing Centre and subsequently returned to immigration detention in Australia. Prior to being classified as a 'fast track' applicant, Mr X was part of a cohort who were unable to have their protection claims assessed as they were subject to bars under ss 46A and 46B of the of the <i>Migration Act 1958</i> . | |
| 19 September 2016 | Lodged a Safe Haven Enterprise visa (SHEV) application. |
| 27 January 2017 | The Department of Immigration and Border Protection (the department) advised that Mr X may be affected by the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering his protection claims. |
| 21 April 2017 | SHEV application refused. |
| 26 April 2017 | Mr X's case was referred to the Immigration Assessment Authority (IAA) for review. |
| 1 June 2017 | The IAA affirmed the decision to refuse Mr X's SHEV application. |
| 20 June 2017 | Applied to the Federal Circuit Court for judicial review. |
| 28 July 2017 | The department advised that Mr X remains a person of interest to an external agency. |

¹ In a media release dated 19 February 2014 the Minister advised that an immigration detention statistics report was released on the department's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as the department became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by the department.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to be monitored by the mental health team for the management of mental health concerns including low mood and poor sleep due to nightmares. He declined to attend supportive counselling for these concerns. Mr X further reported frustration as a result of his ongoing detention and concerns regarding his immigration status. Upon review by the mental health team in May 2017 Mr X appeared flat and despondent with symptoms of detention fatigue and depression. At the time of IHMS's latest report Mr X was awaiting a follow-up appointment.

Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Case status

Mr X was detained on 24 December 2012 after arriving in Australia by sea and has been held in an immigration detention facility for more than four years.

On 19 September 2016 Mr X lodged an application for a SHEV. Mr X's SHEV application was refused on 21 April 2017 and on 1 June 2017 the IAA affirmed the refusal.

At the time of the department's latest report Mr X was awaiting the outcome of judicial review.