

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 more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1971
Ombudsman ID	1002768-O
Date of department's report	26 September 2017
Total days in detention	731 (at date of department's report)

Detention history

25 September 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Villawood Immigration Detention Centre the following day.
22 April 2016 – 28 July 2017	Transferred seven times between various immigration detention facilities.
November 2017	Removed from Australia.

Visa applications/case progression

Mr X arrived in Australia aboard a livestock vessel on 9 July 2011 on a maritime crew visa. He deserted the vessel on 28 October 2011 and resided unlawfully in the community.	
29 November 2011 – 23 October 2014	Granted 16 bridging visas, the most recent of which expired on 1 April 2015.
16 May 2012	Protection visa application refused.
17 September 2012	The Refugee Review Tribunal (RTT) affirmed the refusal of his Protection visa application.
28 March 2013 and 24 September 2014	Found not to meet the guidelines for referral under s 417 for the Minister to substitute a more favourable decision.
8 May 2014	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the RRT's decision.
24 September 2014 and 24 November 2015	Found not to meet the guidelines for referral under s 48B for the Minister to allow him to lodge a further Protection visa application.
4 March 2015	The Full Federal Court dismissed Mr X's application for judicial review of the FCC's decision.
September 2017	Mr X was scheduled to be removed from Australia, however the removal was aborted as the authorities of Country A refused to grant Mr X permission to board the airline.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for an adjustment disorder, anxiety, major depression and suicidal ideation. In October 2015 Mr X was prescribed with antidepressant medication and placed on Supportive Monitoring and Engagement observations following mental health concerns. In July 2016 he presented with chest pain, headaches and sleeping difficulties and a general practitioner advised that the symptoms were likely related to anxiety. In March 2017 a psychiatrist noted that Mr X may have post-traumatic stress disorder and in June 2017 an IHMS mental health nurse noted that he presented with symptoms of fatigue.

IHMS further advised that Mr X received treatment for knee, shoulder and neck pain.

16 September 2014 –
6 October 2015

Incident Reports recorded that Mr X threatened self-harm on two occasions.

Case status

Mr X was detained on 25 September 2015 after living unlawfully in the community and remained in an immigration detention facility for more than two years.

Mr X was released from immigration detention when he was involuntarily removed from Australia in November 2017.