

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X who has remained in restricted immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1956
Ombudsman ID	1002374-O
Date of DIBP's reports	19 April 2016 and 12 October 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

14 April 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after his Transitional (Permanent) visa was cancelled under s 501. He was transferred to Facility B.
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Visa applications/case progression

27 June 1965	Arrived in Australia on a migrant visa.
1 September 1991	Deemed to hold a Transitional (Permanent) visa.
12 March 2013	The Department of Immigration and Border Protection (DIBP) sent Mr X a Notice of Intention to Consider Cancellation of his Transitional (Permanent) visa under s 501 on character grounds.
14 March 2014	DIBP cancelled Mr X's Transitional (Permanent) visa.
14 April 2014	Released from criminal custody and detained under s 189(1).
28 July 2014	Lodged a Protection visa application.
22 September 2014	Protection visa application refused.
23 September 2014	Appealed to the Refugee Review Tribunal (RRT).
20 October 2014	RRT affirmed original decision.
23 October 2014	DIBP decided not to refer a request under s 417 to the former Minister.
22 January 2016	Mr X signed a request for removal form.
2 March 2016	DIBP lodged an application for a travel document on behalf of Mr X with the diplomatic mission of Country A.
12 October 2016	DIBP advised that it continued to work with the diplomatic mission of Country A to progress Mr X's voluntary removal from Australia.

Criminal history

26 May 1995	Sentenced to six years imprisonment on five counts of Offence C, eight counts of supplying a prohibited drug and one count of threatening a witness.
21 November 2001	Sentenced to three years imprisonment for supplying a prohibited drug.
18 March 2008	Sentenced to six years imprisonment for sexual assault.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X disclosed polysubstance abuse and was diagnosed with and received treatment for chronic paranoid schizophrenia. Mr X reported that his hallucinations, both auditory and visual, became worse when he was stressed. IHMS advised that Mr X had needed to be placed on Supportive Monitoring and Engagement observations for threats of harm to himself and others.

Mr X was said to have engaged with the IHMS psychiatrist who noted Mr X was illiterate, had poor living skills due to his long terms of institutional confinement and was at risk of becoming violent if he became unwell. However, his insight and ability to reason were said to be good and he was encouraged to continue with his current medications. IHMS stated it would continue to assess and monitor his condition.

Mr X was also identified as having a history of torture and trauma because of a traumatic childhood and received counselling from the mental health team.

IHMS further advised that Mr X received treatment for multiple physical health conditions including type 2 diabetes, hypertension, high cholesterol with minimal atherosclerosis, gastro-oesophageal reflux disease, gallstones, an enlarged prostate, chest pain which was found to be musculoskeletal in origin, and radiating lower back pain. He is awaiting a spinal CT scan and x-ray of his knees and has been referred to for sleep studies for probable sleep apnoea.

7 July 2014	A DIBP Incident Report recorded that Mr X threatened to self harm.
21 August 2014	A DIBP Incident Report recorded that Mr X disclosed he was having suicidal thoughts about his possible return to Country A.
15 September 2016	A DIBP Incident Report recorded that Mr X threatened self-harm unless he was sent back to Country A in the near future.

Detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in a number of behavioural incidents of a minor nature.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no matters before DIBP, the courts or tribunals. DIBP is progressing Mr X's voluntary removal from Australia.