

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 remained in restricted immigration detention for a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1964
Ombudsman ID	1003418
Date of DIBP's report	8 September 2015
Total days in detention	730 (at date of DIBP's report)

Detention history

5 June 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 343 <i>Vectis</i> . He was transferred to an Alternative Place of Detention, Christmas Island.
20 June 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
20 July 2012	Transferred to Villawood IDC.
30 January 2013	Granted a Bridging visa and released from detention.
5 May 2014	Bridging visa was cancelled. He was re-detained under s 189(1) and transferred to Villawood IDC.
January 2016	Mr X was released from detention when he voluntarily departed Australia and returned to Country A.

Visa applications/case progression

20 July 2012	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa.
30 January 2013	Mr X was granted a Bridging visa. On the same day the former Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
21 May 2013	Lodged a Protection visa application.
24 September 2013	Protection visa application refused.
27 September 2013	Appealed to the Refugee Review Tribunal (RRT).
5 May 2014	Mr X's Bridging visa was cancelled under s 116 after the New South Wales (NSW) Police charged him with criminal offences.
13 October 2014	RRT affirmed original decision.
11 November 2014	Requested judicial review by the Federal Circuit Court (FCC).

8 September 2015	The Department of Immigration and Border Protection (DIBP) advised that Mr X was previously a person of interest in relation to his alleged involvement in people smuggling activities.
23 October 2015	The FCC dismissed the judicial review application.
January 2016	Mr X voluntarily departed Australia.

Criminal history

5 May 2014	The NSW Police charged Mr X with affray and reckless wounding.
3 March 2015	Mr X appeared in court and received a nine-month suspended sentence and nine-month good behaviour bond in relation to the reckless wounding charge. The charge in relation to affray was withdrawn.

Health and welfare

June 2012	International Health and Medical Services (IHMS) advised that during his induction health assessment Mr X disclosed a history of torture and trauma and was referred for specialist counselling. IHMS further advised that Mr X disclosed a history of alcohol abuse and received counselling.
6 July 2012	Mr X reported a previous history of tuberculosis (TB) which had resolved.
19 July 2014	Mr X was identified to have an adjustment disorder with anxious mood and occasional thoughts of self-harm. He was regularly reviewed by the mental health team (MHT). IHMS commented that Mr X had reported when he was in the community on a Bridging visa his alcohol abuse was not controlled which resulted in a criminal charge that led to him being re-detained.
17 August 2014	A DIBP Incident Report recorded that Mr X handed in a detainee request form asking to see the MHT as he was experiencing bad thoughts and repeated the word 'suicide' as he submitted the form.
15 October 2014 – 27 July 2015	Attended regular specialist counselling sessions.
12 December 2014	Mr X's general practitioner (GP) noted an abnormal pathology result and he was placed in isolation with suspected active TB. IHMS reported that following investigations it was downgraded to chronic and he was monitored by a GP.
20 August 2015	IHMS advised that Mr X continued to receive mental health support for his alcoholism and as per a NSW court treatment plan of 5 March 2015, he regularly attended appointments with a psychologist and maintained his medication regime.

Information provided by Mr X

During an interview with Ombudsman staff at Villawood IDC on 10 November 2015 Mr X advised that mentally things were very difficult for him and he was not able to focus on anything. He also said he was unable to find a lawyer who would assist him with his immigration case without payment.

He said he had indicated to DIBP that he wished to return to Country A because being in a detention facility was affecting his mental health. He had signed a form authorising his return to Country A and was meeting staff from the International Organization for Migration on 11 November 2015.

Case status

Mr X voluntarily departed Australia in January 2016 and returned to Country A.