

## 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 a cumulative period of more than 30 months (two and a half years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1993
<b>Ombudsman ID</b>	1002622-O
<b>Date of department's reports</b>	13 March 2017 and 11 September 2017
<b>Total days in detention</b>	912 (at date of department's latest report)

### Detention history

13 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
18 June 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
8 July 2013	Transferred to Nauru Regional Processing Centre (RPC). <sup>1</sup>
4 February 2014	Returned to Australia and re-detained under s 189(1). He was transferred to Wickham Point APOD.
26 March 2014	Granted a bridging visa and released from immigration detention.
25 May 2015	Re-detained under s 189(1) after living unlawfully in the community. He was transferred to Maribyrnong IDC.
6 August 2015	Transferred to Facility B.
10 August 2015	Absconded from immigration detention.
12 August 2015	Re-detained under s 189(1) after being located by police. He was transferred to Facility C.
5 November 2015	Transferred to Facility D.
October 2017	Voluntarily departed Australia.

### Visa applications/case progression

26 March 2014	Granted a bridging visa.
18 May 2016	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
23 August 2016	Safe Haven Enterprise visa (SHEV) application refused.
14 July 2016	The Migration Review Tribunal affirmed the decision to refuse his SHEV application.

<sup>1</sup> Time spent at an RPC is not counted towards time spent in immigration detention in Australia for the purposes of reporting under s 486N.

1 December 2016	The Immigration Assessment Authority affirmed the decision to refuse his SHEV application.
22 February 2017	Applied to the Federal Circuit Court for judicial review.
24 April 2017	Requested removal from Australia and withdrew his application for judicial review on 28 April 2017.

#### Other legal matters

25 May 2015	Charged with multiple burglary offences. He appeared before a court in October 2015 and was fined \$500 with no conviction recorded.
August 2015	Charged with escaping from immigration detention. He appeared before a court on the same day and was placed on a good behaviour bond for one year with no conviction recorded.

#### Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X engaged with the mental health team for the management of stress and frustration related to his immigration pathway and legal matters. In November 2016 Mr X was reviewed by a psychiatrist and diagnosed with a personality disorder.</p> <p>IHMS further advised that Mr X received treatment for a shoulder injury and back pain. He also received treatment for facial injuries in March 2017 after he was allegedly assaulted.</p>	
21 August 2015 – 29 September 2015	Incident Reports recorded that Mr X threatened self-harm on three occasions.
28 August 2015 – 28 December 2015	Incident Reports recorded that Mr X self-harmed on four occasions.
24 March 2016	An Incident Report recorded that Mr X refused food and fluid.
2 February 2017	An Incident Report recorded that Mr X self-harmed.
4 May 2017 and 19 May 2017	Incident Reports recorded that Mr X threatened self-harm.

#### Detention incidents

22 March 2017	An Incident Report recorded that Mr X was allegedly assaulted by another detainee.
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#### Other matters

7 November 2015	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman (the Office) in relation to his placement at Facility D. The complaint was investigated and on 7 January 2016 the Department of Home Affairs (the department) advised that Mr X remained at Facility D due to capacity concerns within the immigration network. The matter was finalised on 19 February 2016.
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12 August 2016	Mr X lodged a complaint with the Office in relation to his placement at Facility D and delays in processing his visa application. The complaint was investigated and the department advised that it would follow-up with Mr X to discuss the progress of his visa application and immigration status. The matter was finalised on 15 August 2016.
13 May 2017	Mr X lodged a complaint with the Office in relation to delays in processing his removal from Australia. The complaint was investigated and on 15 May 2017 the matter was finalised.

**Case status**

Mr X was detained on 13 June 2013 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than two and a half years.

Mr X was released from immigration detention when he voluntarily departed Australia in October 2017.