

## 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 has remained in immigration detention more than 30 months (two and a half years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1985
<b>Ombudsman ID</b>	1002706-O
<b>Date of department's reports</b>	5 July 2017 and 3 January 2018
<b>Total days in detention</b>	912 (at date of department's latest report)

### Detention history

6 July 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa. He was transferred to Maribyrnong Immigration Detention Centre.
13 January 2016 – 27 May 2016	Transferred four times between various immigration detention facilities.
23 June 2016	Transferred to a correctional facility. <sup>1</sup>

### Recent visa applications/case progression

Mr X arrived in Australia on 3 April 2008 on a student visa and was subsequently granted a Temporary Work Skilled visa on 20 June 2013.	
3 July 2015	Temporary Work Skilled visa cancelled under s 116 after Mr X breached his visa conditions.
6 July 2015	Granted a bridging visa on departure grounds which was cancelled under s 116 on the same day as Mr X had been charged with a criminal offence.
15 July 2015	Issued with a Criminal Justice Stay Certificate (CJSC).
17 August 2015	Criminal Justice Stay visa application refused.
21 August 2015 and 29 April 2016	Lodged bridging visa applications which were subsequently deemed invalid.
28 August 2015	The Administrative Appeals Tribunal found that it did not have the jurisdiction to review the cancellation of Mr X's bridging visa.

### Criminal history

June 2016	Convicted of two rape offences and sentenced to four years and six months imprisonment with a non-parole period of three years. His earliest estimated date of release is 8 May 2019.
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<sup>1</sup> On 3 January 2018 the department advised that Mr X continues to be detained under s 189(1) while he was placed in a correctional facility serving a custodial sentence.

## Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was placed on Supportive Monitoring and Engagement (SME) observations in October 2015 after presenting with low mood related to his ongoing detention. He was also placed on SME observations in December 2015 after expressing thoughts of self-harm due to situational stress and frustration related to his ongoing detention.

IHMS further advised that Mr X reported a history of insomnia in July 2015 and advised that his condition had been aggravated by his detention. He was prescribed with medication and requested a referral for counselling. In March 2016 he was provided with education about sleep hygiene and prescribed with further medication. He attended psychological counselling in March and April 2016 for cognitive therapy strategies to assist his sleep.

Following his transfer to a correctional facility, Mr X's health and welfare was managed by Corrective Services, State B.

8 July 2015 and  
19 November 2015

Incident Reports recorded that Mr X threatened self-harm.

## Case status

Mr X was detained on 6 July 2015 following the cancellation of his visa and has remained in immigration detention, both in a detention facility and correctional facility, for more than two and a half years.

Mr X was issued with a CJSC on 15 July 2015 and is currently serving a custodial sentence. His earliest estimated date of release is 8 May 2019.