

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 42 months (three and a half years). The previous assessment 1002348-O was tabled in Parliament on 10 May 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1994
Ombudsman ID	1002348-O1
Date of DIBP's reports	22 March 2017 and 20 September 2017
Total days in detention	1,276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment (1002348-O), Mr X remained at Villawood Immigration Detention Centre (IDC).	
15 December 2016	Transferred to Facility B.
24 February 2017	Transferred to Facility C.
4 April 2017	Transferred to a correctional facility in New South Wales (NSW).

Recent visa applications/case progression

9 January 2017	Attended an interview in relation to his Temporary Protection visa (TPV) application, lodged on 24 December 2015. ¹
22 March 2017	The Department of Immigration and Border Protection (the department) advised that the processing of Mr X's TPV application was delayed pending the outcome of his criminal matters.
20 September 2017	The department advised that the processing of Mr X's TPV application remained ongoing.

Criminal history

April 2017	Convicted of five sexual assault offences and sentenced to six years and eight months imprisonment, with a non-parole period of four years.
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¹ The department's 24-month report, dated 23 March 2016, advised that Mr X lodged his TPV application on 28 January 2016. On 16 October 2017 the department advised that Mr X's application had been lodged on 24 December 2015 and the payment was processed on 28 January 2016.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has a history of torture and trauma and self-harm and presented with low mood and anxiety related to his prolonged detention. He attended specialist counselling in November and December 2016 and the counsellor noted that Mr X would require regular monitoring if he received negative immigration outcomes. The counsellor also noted that Mr X's mental health was fragile and likely to deteriorate if he remained in detention for a prolonged period and recommended he be placed in the community.

Mr X subsequently presented with detention fatigue during psychological reviews in August 2016 and January 2017 and was referred for specialist counselling. IHMS advised that no further psychological reviews were scheduled as Mr X had low motivation for self-help.

Following his transfer to a correctional facility in April 2017, Mr X's health and welfare has been managed by Corrective Services, NSW.

27 – 28 February 2017	Incident Reports recorded that Mr X threatened self-harm on two occasions.
3 – 10 March 2017	Incident Reports recorded that Mr X self-harmed on three occasions.

Ombudsman assessment

Mr X was detained on 16 July 2013 after arriving in Australia by sea and has been held in immigration detention for a cumulative period of more than three and a half years.

Mr X lodged a TPV application on 24 December 2015 and on 20 September 2017 the department advised that processing of his application remains ongoing.

The Ombudsman notes that following Mr X's transfer to a correctional facility on 4 April 2017, his health and welfare has been managed by Corrective Services, NSW. In the absence of any health and welfare information during his detention at a correctional facility, the Ombudsman is unable to assess the adequacy of health care provided to Mr X.