

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 more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1002603-O
Date of department's reports	20 February 2017 and 23 August 2017
Total days in detention	916 (at date of department's report)

Detention history

19 February 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. Transferred to Maribyrnong Immigration Detention Centre (IDC).
28 May 2015	Transferred to Christmas Island IDC.
28 October 2015	Transferred to Facility B.
February 2017	Transferred to Facility C and subsequently voluntarily departed Australia. He was refused entry by the authorities of Country A and was returned to Facility C on 27 February 2017.
13 April 2017	Transferred to Facility B.
August 2017	Voluntarily departed Australia.

Visa applications/case progression

Mr X was granted a refugee visa on 29 February 2004 and arrived in Australia on 15 July 2004.	
7 September 2006	Lodged an application for Australian citizenship that was refused on 9 October 2007.
30 August 2013	Issued with a Notice of Intention to Consider Cancellation (NOICC) of his refugee visa under s 501 following criminal convictions.
31 March 2014	The Department of Immigration and Border Protection (the department) finalised an International Treaties Obligations Assessment (ITOA), determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
17 December 2014	Refugee visa cancelled.
15 January 2015	The department finalised a supplementary ITOA with consideration of additional information provided by Mr X on 27 June 2014, determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
24 December 2015	Requested removal from Australia.
20 April 2016	The Minister decided not to revoke the decision to cancel Mr X's visa under s 501.

August 2017	Issued with a Notice of Intention to Remove from Australia.
-------------	---

Criminal history

August 2007	Mr X was sentenced to eleven years imprisonment for the attempted murder of his ex-wife. His non-parole period expired on 8 November 2014.
-------------	--

Health and welfare

International health and Medical Services (IHMS) advised that Mr X received treatment for schizophrenia and disclosed a history of torture and trauma. He was prescribed with medication to manage his schizophrenia and was noted to be non-compliant. In July 2015 a psychiatrist noted that Mr X did not display symptoms of schizophrenia and his prescribed medication was ceased. In July 2016 Mr X refused to attend a routine psychiatric review and in August 2016 he reported hearing voices. On 15 March 2017 Mr X was involuntarily admitted to a psychiatric hospital after he presented to a psychiatrist with a lack of insight and symptoms of psychosis. During his admission he was commenced on monthly injectable medication and following his discharge on 5 April 2017 it was noted that Mr X was stable and in remission.

IHMS advised that Mr X was provided with treatment for multiple physical health concerns including type 2 diabetes, hepatitis B and high cholesterol. Mr X was prescribed with medication to manage his conditions and was noted to be non-compliant. He refused to undertake pathology testing in May and December 2016 however in April and August 2017 he agreed to testing and to recommence his diabetic treatment.

Other matters

Mr X’s ex-wife and two children reside in the Australian community.

Information provided by Mr X

During an interview with Ombudsman staff on 24 May 2017 Mr X advised that he had signed a request for removal in 2015. He stated that he had previously been taken to Country A but a problem with the travel documents had meant he had to be returned to Australia.

Mr X stated that he has been detained for a long time, both in a correctional facility and immigration centre. He said that his mental health was okay and that he receives injections for the management of his mental health condition. He also advised that his physical health was good and he had no concerns with the health services provided in the detention facility.

Mr X stated that he had children in Australia, but he is not allowed to contact them. He also said that he has family in Country A, but he was not sure whether they are safe and has not contacted them since he left.

Case status

Mr X was detained on 19 February 2015 following his release from a correctional facility and remained in immigration detention for more than two and a half years.

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