

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 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1984
Ombudsman ID	1002623-O
Date of department's report	17 March 2017
Total days in detention	734 (at date of department's report)

Detention history

17 March 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, Christmas Island.
19 March 2013 – 30 April 2013	Transferred twice between Christmas Island Immigration Detention Centre (IDC) and Wickham Point IDC.
16 May 2013	Granted a bridging visa and released from immigration detention.
13 May 2015	Re-detained under s 189(1) after living unlawfully in the community. He was transferred to Facility B.
23 June 2015	Transferred to Facility C.
27 January 2016	Transferred to Facility D.
13 May 2016	Placed in the community. ¹
17 March 2017	Granted a Safe Haven Enterprise visa (SHEV) and released from immigration detention.

Visa applications/case progression

16 May 2013	Granted a bridging visa.
23 November 2013	Bridging visa ceased.
25 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
31 August 2015	Mr X was notified that he was eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application and was assigned a provider.
30 November 2015	Lodged a SHEV application.
27 September 2016	SHEV application refused.

¹ Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

30 September 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
2 March 2017	The IAA remitted Mr X's case to the Department of Home Affairs (the department) for reconsideration with the direction that Mr X is a refugee under s 5H(1).
17 March 2017	Granted a SHEV.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X was referred to an IHMS psychiatrist in April 2013 following behavioural concerns. Mr X advised that he was reviewed by a psychiatrist and prescribed with medication in Country A, however he had not been compliant with the medication. Mr X also disclosed that he suffered a brain injury in 2005. In May 2013 Mr X was involuntarily admitted to hospital under mental health legislation after presenting with symptoms of psychosis. He declined a prescription for medication and was subsequently discharged from hospital.</p> <p>Following his re-detention in May 2015 Mr X engaged with the mental health team for the management of ongoing behavioural concerns, anxiety and agitation. A psychiatrist reported that Mr X's behaviour was likely due to an autistic disorder or a personality disorder and advised that he would not benefit from medication. In January 2016 a psychiatrist noted that he presented with symptoms of detention fatigue.</p> <p>Following his placement in the community in May 2016 Mr X attended psychological counselling in June and July 2016 and no risks were identified.</p>	
16 April 2013	An Incident Report recorded that Mr X threatened self-harm.
16 May 2013	Admitted to hospital following mental health concerns.
25 January 2016	An Incident Report recorded that Mr X threatened self-harm.

Other matters

10 April 2013 – 14 December 2015	Mr X lodged multiple complaints with the Office of the Commonwealth Ombudsman (the Office) in relation to his detention and the conduct of Serco officers. The Office provided Mr X with education and the complaints were subsequently closed.
-------------------------------------	---

Case status

<p>Mr X was detained on 17 March 2013 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than two years.</p> <p>On 25 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 30 November 2015 Mr X lodged an application for a SHEV.</p> <p>Mr X's SHEV application was refused on 27 September 2016. The IAA reviewed the decision and on 2 March 2017 the application was remitted to the department with the direction that Mr X is a refugee under s 5H(1).</p> <p>Mr X was granted a SHEV on 17 March 2017 and released from immigration detention.</p>	
---	--