

## 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 24 months (two years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1988
<b>Ombudsman ID</b>	1002638-O
<b>Date of department's report</b>	14 April 2017
<b>Total days in detention</b>	730 (at date of department's report)

### Detention history

15 April 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa. He was transferred to Brisbane Immigration Transit Accommodation (ITA).
24 April 2015	Transferred to Wickham Point Alternative Place of Detention (APOD).
21 June 2016	Transferred to Melbourne ITA.
14 July 2017	Granted a bridging visa and released from immigration detention.

### Visa applications/case progression

Mr X arrived in Australia on 14 April 2015 on a transit visa.	
15 April 2015	Transit visa cancelled under s 116 as a delegate of the Minister found that Mr X did not intend to transit through Australia, but instead intended to arrive in Australia and lodge claims for protection.
9 August 2016	Temporary Protection visa (TPV) application refused.
3 October 2016	The Immigration Assessment Authority affirmed the decision to refuse Mr X's TPV application.
18 October 2016	Applied to the Federal Circuit Court for judicial review. A final hearing was scheduled for 19 April 2017.
1 March 2017 and 17 March 2017	Lodged bridging visa applications, both of which were found to be invalid.
14 April 2017	The Department of Home Affairs (the department) advised that Mr X's case was identified for a possible referral to the Minister under s 195A for the grant of a bridging visa.
14 July 2017	Granted a bridging visa.

## Health and welfare

International Health and Medical Services (IHMS) advised that Mr X presented with frustration and anxiety in October 2015 and engaged intermittently with the mental health team. He also disclosed a history of trauma in November 2015 and regularly attended specialist counselling from February to June 2016.

IHMS further advised that Mr X received treatment for chronic sinusitis and was referred to an ear, nose and throat specialist in June 2016.

22 March 2017

An Incident Report recorded that Mr X refused food and fluid.

## Other matters

10 September 2015

Mr X lodged a complaint with the Office of the Commonwealth Ombudsman in relation to the complaints management process at Wickham Point APOD. The department provided multiple responses and on 5 August 2016 the complaint was finalised.

## Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

## Case status

Mr X was detained on 14 April 2015 following the cancellation of his visa and remained in an immigration detention facility for more than two years.

Mr X was granted a bridging visa on 14 July 2017 and released from immigration detention.