

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 first assessment 1002233-O was tabled in Parliament on 31 August 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1996
Ombudsman ID	1002233-O1
Date of DIBP's reviews	19 November 2016 and 20 May 2017
Total days in detention	1,276 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1002233-O), Mr X remained at Wickham Point Alternative Place of Detention.	
16 June 2016	Transferred to Melbourne Immigration Transit Accommodation.
21 September 2016	Transferred to Yongah Hill Immigration Detention Centre.
26 October 2016	Transferred to community detention.

Recent visa applications/case progression

Mr X arrived in Australia by sea after 19 July 2013 and was transferred to a Regional Processing Centre (RPC). The Department of Immigration and Border Protection (the department) advised that in its previous review, dated 21 November 2015, it incorrectly reported that Mr X was returned to Australia for medical treatment and was liable for transfer back to an RPC on the completion of his treatment. On 19 November 2016 the department advised that Mr X was instead returned to Australia because he was determined to be under 18 years of age.	
7 October 2016	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to allow Mr X to reside in community detention.
28 November 2016	The Minister lifted the bars under ss 46A and 46B to allow Mr X to lodge a temporary visa application.
5 December 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 15 December 2016 and was assigned a provider.
20 May 2017	The department advised that Mr X's case was identified for possible referral to the Minister for consideration under s 195A for the grant of a bridging visa.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X was previously diagnosed with a major depressive disorder and post-traumatic stress disorder. He attended counselling after presenting with symptoms of depression related to his prolonged detention and situational stress. In September 2016 he was placed on Supportive Monitoring and Engagement observations after expressing thoughts of self-harm and anxiety related to his transfer between detention facilities. IHMS advised that Mr X has not required treatment for mental health concerns following his transfer to community detention.</p>	
<p>21 September 2016 – 23 September 2016</p>	<p>Incident Reports recorded that Mr X threatened self-harm on three occasions.</p>

Case status

<p>Mr X was detained on 22 September 2013 after arriving in Australia by sea and has been held in detention for a cumulative period of more than three and a half years.</p> <p>The Ombudsman’s previous assessment 1002233-O recommended that Mr X be considered under s 197AB for a community detention placement in light of his mental health concerns and that priority be given to resolving Mr X’s immigration status.</p> <p>On 31 August 2016 the Minister advised that under current policy and legislative settings, Mr X remains subject to return to an RPC and was being assessed against s 197AB guidelines for possible referral for a community detention placement. Mr X has since been transferred to community detention.</p> <p>On 28 November 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 15 December 2016 Mr X accepted the PAIS assistance and was assigned a provider to assist with lodging his application.</p>
