

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	1982
Ombudsman ID	1002654-O
Date of DIBP's reports	11 May 2017 and 10 September 2017
Total days in detention	912 (at date of DIBP's latest report)

Detention history

13 March 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa under s 116. He was transferred to Brisbane Immigration Transit Accommodation.
16 March 2015 – 6 October 2016	Transferred 10 times between various immigration detention facilities.
24 November 2016	Transferred to a correctional facility. ¹
November 2017	Mr X was released from immigration detention when he voluntarily departed Australia.

Visa applications/case progression

Mr X arrived in Australia on 10 June 2007 on a student visa.	
11 March 2011	Lodged a Skilled Graduate visa application which included his partner as a secondary applicant. He was granted a bridging visa on the same day.
30 March 2012	Skilled Graduate visa application refused.
3 July 2012	The Migration Review Tribunal (MRT) set aside the decision to refuse Mr X's Skilled Graduate visa application and remitted the matter to the Department of Immigration and Border Protection (the department) with direction.
8 October 2012	Skilled Graduate visa application refused a second time.
24 September 2012	Lodged a partner visa application. He was granted a bridging visa on the same day.
2 December 2013	Partner visa application refused as the Minister's delegate was not satisfied that the sponsoring relationship was genuine.
18 December 2013	Applied to the MRT for merits review of the decision to refuse his partner visa application. The MRT affirmed the original decision on 28 April 2015.

¹ On 11 May 2017 the department advised that Mr X continued to be detained under s 189(1) while he was placed in a correctional facility serving a custodial sentence.

13 March 2015	Bridging visa cancelled under s 116 after Mr X was charged with criminal offences.
16 March 2015	Applied to the MRT for merits review of the decision to cancel his visa under s 116. The MRT affirmed the original decision on 25 March 2015.

Criminal history

February 2017	Found guilty of three counts of rape and sentenced to five years imprisonment.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X disclosed a history of depression and self-harm during a psychiatric review in August 2015. He was subsequently diagnosed with reactive depression and a personality disorder and the psychiatrist adjusted his prescribed antidepressant medication. He was placed on Supportive Monitoring and Engagement observations on multiple occasions while held in immigration detention after expressing thoughts of self-harm and IHMS noted that he responded impulsively when he felt depressed or stressed. His condition was monitored by a psychologist and the mental health team.

Since his transfer to a correctional facility on 24 November 2016, Mr X's health and welfare has been managed by Corrective Services, State B.

Other matters

10 October 2016	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman in relation to personal property that was misplaced or damaged during his transfer between immigration detention facilities. The department provided multiple responses and on 13 October 2017 the complaint was finalised.
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Case status

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