

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 54 months (four and a half years). The previous assessment 1001379-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1984
Ombudsman ID	1001379-O1
Date of DIBP's reports	12 May 2017 and 31 October 2017
Total days in detention	1,640 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Villawood Immigration Detention Centre (IDC).	
3 November 2016	Transferred to Christmas Island IDC.
9 March 2017	Transferred to Villawood IDC.
3 May 2017	Transferred to Christmas Island IDC.

Recent visa applications/case progression

9 January 2017	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X's Safe Haven Enterprise visa (SHEV) application.
16 February 2017	Applied to the Federal Circuit Court (FCC) for judicial review.
5 April 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
10 May 2017 - 23 October 2017	Mr X's matter before the FCC was adjourned on multiple occasions and judgment was reserved on 23 October 2017.

Other legal matters

6 October 2017	Mr X was allegedly assaulted by another detainee and on 9 October 2017 he requested to see the police. He was interviewed and the matter remained ongoing at the time of the Department of Immigration and Border Protection's (the department) latest report.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X previously disclosed a history of torture and trauma and had been provisionally diagnosed with complex post-traumatic stress disorder. He was placed on Supportive Monitoring and Engagement observations following a threat of self-harm in November 2016 and a psychiatrist recommended that he attend further counselling. He was also closely monitored by Serco officers in May 2017 after threatening self-harm and in July 2017 he agreed to engage with the mental health team to implement behavioural and anger management strategies. IHMS advised that he regularly attends counselling and improvements in his condition were noted.</p>	
21 November 2016 – 26 October 2017	Incident Reports recorded that Mr X threatened self-harm on multiple occasions.

Recent detention incidents

7 January 2017 – 26 October 2017	Incident Reports recorded that Mr X was allegedly involved in a number of incidents, including physical altercations with other detainees and displaying abusive and aggressive behaviour.
20 May 2017 – 6 October 2017	Incident Reports recorded that Mr X was allegedly assaulted by other detainees on three occasions.

Case status

<p>Mr X was detained on 13 October 2012 after arriving in Australia by sea and has remained in an immigration detention facility for a cumulative period of more than four and a half years.</p> <p>On 9 January 2017 the IAA affirmed the decision to refuse Mr X's SHEV application and on 16 February 2017 Mr X applied to the FCC for judicial review.</p> <p>At the time of the department's latest report Mr X was awaiting the outcome of judicial review.</p>
