

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 has remained in immigration detention for a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1993
Ombudsman ID	1002656-O
Date of department's reports	2 May 2017 and 31 October 2017
Total days in detention	912 (at date of department's latest report)

Detention history

3 May 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Facility B.
5 August 2015	Transferred to Facility C.
13 November 2015	Transferred to a correctional facility.
5 July 2016	Transferred to Facility C.
24 March 2017 – 8 June 2017	Transferred three times between Facility C and Facility B.
9 June 2017	Transferred to a correctional facility.
26 October 2017	Transferred to Facility B.

Visa applications/case progression

Mr X arrived in Australia on 20 October 2010 on a Child visa.	
30 April 2015	Child visa cancelled under s 501 following a criminal conviction.
23 June 2015	Lodged a Request for Revocation of Cancellation of his visa.
2 May 2017	The Department of Home Affairs (the department) advised that consideration of Mr X's request was placed on hold pending the finalisation of his criminal matters.
31 October 2017	The department advised that it had commenced consideration of Mr X's request. The matter remained ongoing.

Criminal history

May 2014	Convicted of acting unlawfully with an intent to harm and sentenced to one year imprisonment.
June 2017	Convicted of multiple offences, including possessing a weapon and taking part in a riot. He was sentenced to an aggregate period of one year and nine months imprisonment.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma but declined to attend specialist counselling. IHMS reported that Mr X declined to engage with the mental health team on a regular basis but received psychological support during periods of increased stress. During such periods, Mr X presented with symptoms of tiredness, disturbed sleep, feelings of hopelessness and thoughts of self-harm.</p>	
5 July 2016	<p>An Incident Report recorded that Mr X was closely monitored by Serco officers after stating to IHMS staff that he could not guarantee his safety.</p>

Detention incidents

15 May 2015 – 29 May 2017	<p>Incident Reports recorded that Mr X was found to possess contraband on multiple occasions.</p>
17 May 2015 – 28 October 2017	<p>Incident Reports recorded that Mr X displayed abusive, disruptive, aggressive and inappropriate behaviour towards detention centre staff and other detainees on numerous occasions.</p>
8 June 2015 and 17 July 2015	<p>Incident Reports recorded that Mr X was allegedly assaulted by other detainees.</p>

Other matters

<p>The department advised that Mr X's mother and sister reside in Australia.</p>
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Case status

<p>Mr X was detained on 3 May 2015 following his release from a correctional facility and has remained in immigration detention, both in a detention facility and correctional facility, for more than two and a half years.</p> <p>On 30 April 2015 Mr X's Child visa was cancelled under s 501 and on 23 June 2015 he lodged a Request for Revocation of Cancellation of his visa. On 2 May 2017 department advised that consideration of his request was placed on hold pending the finalisation of his criminal matters.</p> <p>At the time of its latest report, the department advised that it had commenced consideration of Mr X's request and the matter remained ongoing.</p>
