

## 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 a cumulative period of more than 24 months (two years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A, born in Country B
<b>Year of birth</b>	1993
<b>Ombudsman ID</b>	1002698-O
<b>Date of department's report</b>	26 June 2017
<b>Total days in detention</b>	730 (at date of department's report)

### Detention history

19 January 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard by sea. He was transferred to an Alternative Place of Detention, Christmas Island.
8 February 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
3 March 2012	Transferred to Wickham Point IDC.
3 July 2012	Granted a bridging visa and released from immigration detention.
10 December 2015	Re-detained under s 189(1) after living unlawfully in the community. He was transferred to Facility C.
September 2017	Voluntarily departed Australia.

### Visa applications/case progression

24 April 2012	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
14 May 2012	Lodged a Protection visa application.
19 June 2012	Protection visa application refused.
3 July 2012	Granted a bridging visa.
2 April 2013	The Refugee Review Tribunal affirmed the refusal of Mr X's Protection visa application.
4 April 2013	Found not to meet the guidelines for referral to the Minister under s 417 to enable Mr X to lodge a second Protection visa application.
29 September 2013	Bridging visa ceased.  Mr X's case was managed by the Department of Home Affairs (the department) until April 2014 when he disengaged from the department.
17 December 2015	Lodged a Combined Partner visa application which was deemed invalid the following day.
12 January 2016	Lodged a bridging visa application which was deemed invalid on 14 January 2016.

31 March 2016	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of his Combined Partner visa application outcome.
31 August 2016	Lodged a Temporary Protection visa (TPV) application which was deemed invalid on the same day.
9 September 2016	Found not to meet the guidelines for referral to the Minister under s 48B to enable Mr X to lodge a second Protection visa application.
25 January 2017	Mr X withdrew his application at the FCC for judicial review of his TPV application outcome.
10 May 2017	Mr X's scheduled involuntary removal from Australia was cancelled following an incident of self-harm.
26 June 2017	The department advised that as Mr X had no matters before the department, the courts or tribunals, he was on a removal pathway.

#### **Other legal matters**

26 June 2017	The department advised that Mr X was previously issued with an Apprehended Domestic Violence Order by police relating to allegations of domestic violence.
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#### **Health and welfare**

<p>International Health and Medical Services (IHMS) advised that Mr X was transferred to hospital for treatment on 10 May 2017 following an incident of self-harm. A subsequent mental health assessment identified that Mr X had an adjustment disorder without depressive or psychotic symptoms. Following his return to Villawood IDC, Mr X was reviewed by a psychiatrist and placed on Supportive Monitoring and Engagement observations.</p> <p>IHMS further advised that Mr X received treatment for a knee injury and was awaiting an appointment with an orthopaedic surgeon.</p>
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#### **Detention incidents**

10 May 2017	An Incident Report recorded that Mr X allegedly assaulted a Serco officer who attempted to prevent him from self-harming.
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#### **Other matters**

18 May 2017	The department was notified that Mr X had lodged a complaint with the Australian Human Rights Commission. On 20 June 2017 the department provided a response. The matter remained ongoing at the time of the department's report.
Mr X has a two year old child who is an Australian citizen.	

#### **Case status**

<p>Mr X was detained on 19 January 2012 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than two years.</p> <p>Mr X was released from immigration detention when he voluntarily departed Australia in September 2017.</p>
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