

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 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1984
Ombudsman ID	1002618-O
Date of department's report	9 March 2017
Total days in detention	731 (at date of department's report)

Detention history

13 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
22 July 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
2 August 2013	Transferred to Curtin IDC.
4 September 2016	Granted a bridging visa and released from immigration detention.
1 May 2015	Re-detained under s 189(1) following his release from a correctional facility. He was transferred to Facility B.
12 April 2016	Transferred to Facility C.
May 2017	Voluntarily departed Australia.

Visa applications/case progression

4 September 2013	Granted a bridging visa with an associated Temporary Humanitarian Stay visa.
16 February 2015	Issued with a Notice of Intention to Consider Cancellation of his bridging visa. His visa was subsequently cancelled under s 116.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
9 February 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
22 February 2016	Mr X was notified that he was eligible to receive the Primary Application Information Service to assist him with lodging a new temporary visa application or providing supporting information for his existing application. He accepted the offer and was assigned a provider.
6 May 2016 – 25 November 2016	Mr X requested removal from Australia on three occasions, all of which were subsequently withdrawn.
20 June 2016	Lodged a further SHEV application and withdrew his existing application.
28 November 2016	Mr X withdrew his SHEV application.

Criminal history

March 2016	Convicted of aggravated indecent assault and common assault and placed on a good behaviour bond for two years.
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Health and welfare

International Health and Medical Services advised that Mr X presented with stress, poor sleep and low mood related to his immigration detention and was prescribed with antidepressant medication. In October 2016 Mr X was diagnosed with a possible anxiety disorder during a psychiatric review, however during a follow up review in November 2016 no mental illness was identified.	
30 January 2016	An Incident Report recorded that Mr X threatened self-harm.
7 December 2016	An Incident Report recorded that Mr X self-harmed. He was closely monitored by detention centre staff and reviewed by the mental health team.

Detention incidents

June 2015 and October 2015	Incident Reports recorded that Mr X was allegedly assaulted by another detainee.
December 2015	An Incident Report recorded that Mr X alleged that he had been assaulted by other detainees on 21 December 2015.
January 2016	An Incident Report recorded that Mr X was allegedly assaulted by four other detainees and the incident was referred to the police.

Other matters

8 February 2016	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman in relation to his personal safety in immigration detention and the provision of healthcare. The department provided a response on 4 April 2016 and on 6 April 2016 the complaint was finalised.
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Case status

<p>Mr X was detained on 13 July 2013 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than two and a half years.</p> <p>Mr X was released from immigration detention when he voluntarily departed Australia in May 2017.</p>
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