

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).

Name	Mr X
Citizenship	Country A, born in Country B
Year of birth	1989
Ombudsman ID	1002733-O
Date of department's report	11 August 2017
Total days in detention	730 (at date of department's report)

Detention history

5 July 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to Christmas Island Immigration Detention Centre (IDC).
18 July 2012	Transferred to Wickham Point IDC.
11 October 2012	Granted a bridging visa and released from immigration detention.
18 November 2015	Re-detained under s 189(1) after living unlawfully in the community. He was transferred to Villawood IDC.
12 May 2016	Transferred to Yongah Hill IDC.
29 August 2017	Granted a Temporary Protection visa (TPV) and released from immigration detention.

Visa applications/case progression

22 August 2012	The Minister lifted the bar under s 46A to allow Mr X to lodge a Protection visa application.
11 October 2012	Granted a bridging visa.
15 November 2012	Lodged a Protection visa application with an associated bridging visa application.
16 November 2012	Granted a bridging visa that ceased on 31 August 2015, after which he remained unlawfully in the community.
19 August 2013	Protection visa application refused.
23 August 2013	Applied to the Refugee Review Tribunal (RRT) for merits review.
31 July 2015	RRT affirmed original decision.
4 August 2016	Applied to the Federal Circuit Court (FCC) for judicial review.
28 October 2016	FCC set aside the decision and remitted Mr X's case to Administrative Appeals Tribunal (AAT) ¹ for reconsideration.

¹ On 1 July 2015 the Migration Review Tribunal and RRT were merged into the AAT.

1 November 2016	Mr X's Protection visa application was deemed to be a TPV application.
12 May 2017	The Minister declined to intervene under s 195A to grant Mr X a bridging visa.
19 May 2017	The AAT remitted Mr X's case to the Department of Home Affairs for reconsideration with the direction that he is a refugee.
29 August 2017	Granted a TPV.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for a fractured wrist. He also underwent investigative testing after reporting sinus inflammation and headaches which indicated associated spinal concerns. Mr X was prescribed with medication and referred for physiotherapy.

IHMS further advised that Mr X disclosed a history of torture and trauma and was referred to specialist counselling following a deterioration of his mental health in March 2016. He reported experiencing insomnia, nightmares and short term memory loss. In May 2017 a treating psychiatrist noted that he displayed anxiety relating to his immigration situation which was resulting in sleeping difficulties and he was prescribed with medication.

Case status

Mr X was detained on 5 July 2012 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than two years.

Mr X was granted a TPV on 29 August 2017 and released from immigration detention.