

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 remained in immigration detention for a cumulative period of more than 48 months (four years). The previous assessment 1001690-O was tabled in Parliament on 31 May 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	1989
Ombudsman ID	1001690-O1
Date of department's report	30 June 2017
Total days in detention	1,458 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
October 2017	Removed from Australia.

Recent visa applications/case progression

30 November 2016	The Federal Circuit Court listed Mr X's application for final orders for final hearing on 28 July 2017.
17 March 2017	Criminal Justice Stay Certificate was cancelled.
22 March 2017	Referred for involuntary removal.
29 May 2017	The authorities of Country A issued Mr X with a temporary travel document, valid until 29 August 2017.

Criminal history

February 2017	Convicted of wounding a person with intent to cause grievous bodily harm and affray and sentenced to three years imprisonment with a non-parole period of two years. Mr X's sentence commenced in September 2013 and concluded in September 2016.
---------------	---

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X attended specialist counselling for the management of post-traumatic stress disorder and a history of torture and trauma. In November 2016 a specialist counsellor advised that the benefits of counselling were likely to be limited while Mr X remained in immigration detention. In April 2017 a treating psychologist advised that Mr X's mental health had deteriorated due to the length of time he has remained in an immigration detention facility. The psychologist recommended that Mr X be placed in the community pending the outcome of his case to improve his psychological wellbeing.</p> <p>IHMS further advised that Mr X received treatment for gastric issues and recurrent headaches.</p>

Information provided by Mr X

During an interview with Ombudsman staff on 7 September 2017 Mr X advised that he had pleaded not guilty during his criminal trial, but the jury had found him guilty. He said that he had appealed the conviction to a supreme court and was awaiting the outcome.

Mr X also explained that he was waiting for a decision from the United Nations regarding his refugee status, but he understands this takes a long time.

Mr X said that he was required to wear handcuffs during medical appointments and is regularly escorted by multiple Serco officers. He explained that he did not previously have to wear handcuffs, but this had recently changed and he did not understand why. He advised that he has been in detention for more than four years without any behavioural incidents and now feels he is treated like a criminal.

Mr X advised that he takes medication for insomnia and his medication was recently increased because his condition had worsened. He said that he was worried about being returned to Country A because he is unable to sleep without medication. He advised that he attended counselling after he learned that his father had died as he felt upset and distressed. He also said he feels sad because he has lost so much time while in detention.

Case status

Mr X was detained on 1 August 2012 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than four years.

Mr X was released from immigration detention when he was involuntarily removed from Australia in October 2017.