

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 more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1991
Ombudsman ID	1002724-O
Date of department's reports	29 July 2017 and 29 January 2018
Total days in detention	914 (at date of department's latest report)

Detention history

30 July 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.
15 October 2015	Transferred to Facility C.
26 August 2016	Transferred to Facility D.
21 September 2016	Transferred to Facility C.

Visa applications/case progression

Mr X arrived in Australia on 18 June 2012 on a Vocational Education Sector visa.	
16 January 2014	Vocational Education Sector visa was cancelled under s 116 after he failed to maintain his enrolment in a course of study. He remained unlawfully in the community until he was arrested by police on 24 June 2015.
19 August 2015	Lodged a Protection visa application with an associated bridging visa application.
21 August 2015	Associated bridging visa application refused.
8 October 2015	Protection visa application refused.
4 January 2016	The Administrative Appeals Tribunal (AAT) affirmed the refusal of Mr X's Protection visa application.
3 August 2016 – 14 September 2017	Lodged a further four bridging visa applications, all of which were refused.
31 May 2017 and 9 January 2018	The AAT affirmed the refusal of his fourth and fifth bridging visa applications.
5 October 2017	The Federal Circuit Court (FCC) remitted Mr X's Protection visa application to the AAT for determination according to law.

Criminal history

July 2015	Convicted of two counts of indecent assault and received a one year good behaviour bond.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was placed on Supportive Monitoring and Engagement observation in August 2015 after displaying volatile and unpredictable behaviour. He was also closely monitored by Serco officers in November 2015 following concerns for his mental health. In July 2016 a psychiatrist noted that Mr X was unlikely to benefit from psychotherapy and his condition continued to be monitored by the mental health team.

IHMS further advised that Mr X presented with knee pain in April 2016 related to a previous injury. He underwent investigative testing and was awaiting an appointment with an orthopaedic specialist at the time of the IHMS's latest report.

6 August 2015	An Incident Report recorded that Mr X threatened self-harm.
22 November 2017	An Incident Report recorded that Mr X refused food and fluid.

Detention incidents

Incident Reports recorded that Mr X allegedly displayed abusive and aggressive behaviour towards detention centre staff on multiple occasions.

August 2015	An Incident Report recorded that Mr X allegedly behaved inappropriately towards another detainee.
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Other matters

5 October 2016	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman (the Office) in relation to his pending transfer to Facility C. The complaint was investigated and finalised on the same day.
16 May 2017	Mr X lodged a complaint with the Office in relation to the provision of healthcare in detention. The complaint was investigated and finalised on the same day.
22 June 2017	Mr X lodged a complaint with the Office in relation to his personal safety at Facility C. On 24 July 2017 the department provided a response and on 23 August 2017 the complaint was finalised.

Case status

Mr X was detained on 30 July 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two and a half years.

On 8 October 2015 Mr X's Protection visa application was refused and on 4 January 2016 the AAT affirmed the refusal. On 5 October 2017 the FCC remitted Mr X's Protection visa application to the AAT for determination according to law.