

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
Year of birth	1978
Ombudsman ID	1002752-O
Date of department's report	30 August 2017
Total days in detention	730 (at date of department's report)

Detention history

11 May 2010	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 March 2011	Transferred to Scherger IDC.
12 April 2012	Granted the first of multiple bridging visas and released from immigration detention. His last bridging visa ceased on 12 August 2015.
2 August 2017	Re-detained after living unlawfully in the community. He was transferred to Villawood IDC.
December 2017	Voluntarily departed Australia.

Visa applications/case progression

27 September 2010	Underwent a Refugee Status Assessment and found not to be a refugee under the Refugee Convention and complementary protection criterion.
7 October 2011	Independent Merits Review affirmed original decision.
17 May 2012	The Federal Magistrates Court dismissed Mr X's application for judicial review.
15 February 2013	The Federal Court dismissed Mr X's application for judicial review.
15 August 2014	The Department of Home Affairs (the department) notified Mr X of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.
31 July 2015	The department finalised the ITOA, determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
29 March 2017	The Federal Circuit Court dismissed Mr X's application for judicial review of the negative ITOA decision.
3 August 2017	Requested removal from Australia.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and attended specialist counselling in October 2011. In November 2011 he presented with symptoms of low mood, sleeping difficulties and isolating behaviour. Mr X was reviewed by a psychiatrist and diagnosed with depression related to situational stress. In December 2011 and February 2012 treating psychiatrists recommended that he be placed in the community. IHMS advised that Mr X did not receive treatment for major mental health concerns upon his return to an immigration detention facility in 2017.

Case status

Mr X was detained on 11 May 2010 after arriving in Australia by sea and re-detained on 2 August 2017 after living unlawfully in the community. He remained in an immigration detention facility for a cumulative period of more than two years.

Mr X was released from immigration detention when he voluntarily departed Australia in December 2017.