

## REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fourth s 486O report on Mr X who remained in immigration detention for more than 60 months (five years).

The first report 978/12 was tabled in Parliament on 26 June 2013, the second report 1001110 was tabled in Parliament on 19 March 2014 and the third report 1001687 was tabled in Parliament on 11 February 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1973
<b>Ombudsman ID</b>	1002391
<b>Date of DIBP's report</b>	7 April 2015
<b>Total days in detention</b>	1,825 (at date of DIBP's report)

### Recent detention history

Since the Ombudsman's previous report (1001687) Mr X remained in the community as a lawful non-citizen on a Bridging visa valid until 2 January 2015.	
2 January 2015	He was arrested by police following a domestic violence incident. The following day he was re-detained under s 189(1) of the <i>Migration Act 1958</i> and transferred to Villawood Immigration Detention Centre.
8 September 2015	Mr X was released from detention when he voluntarily departed Australia and returned to Country A.

### Recent visa applications/case progression

12 September 2014	Mr X was issued with a letter notifying him of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engaged Australia's <i>non-refoulement</i> obligations.  On the same day he was issued with a letter inviting him to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. <sup>1</sup>
26 September 2014	Mr X's case was referred for ministerial intervention under s 195A for consideration of a Bridging visa and a Temporary Humanitarian Stay (THS) visa.
2 October 2014	Granted a Bridging visa with an associated THS visa and released from detention.

<sup>1</sup> In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

2 January 2015	Mr X's Bridging visa expired.
3 January 2015	He was notified by DIBP that he was an unlawful non-citizen and had breached his visa conditions. He was re-detained under s 189.
19 January 2015	Mr X attended an interview in relation to the ITOA.
7 April 2015	DIBP advised that Mr X's identity remained unestablished.
8 September 2015	Mr X voluntarily departed Australia.

### **Criminal history**

2 January 2015	Mr X was arrested by New South Wales Police following a domestic violence incident.
3 January 2015	Issued with an Apprehended Domestic Violence Order (ADVO) which had been backdated to 21 December 2014. The ADVO was valid for 28 days.
14 January 2015	Attended Y Local Court and was charged.
25 February 2015	Mr X attended Y Local Court. He received a \$500 fine and was placed on a 12-month good behaviour bond.

### **Health and welfare**

15 October 2014	<p>International Health and Medical Services (IHMS) advised that following the grant of a Bridging visa on 2 October 2014, Mr X received counselling from a community mental health team. It was reported that he presented as 'perplexed and appeared to be unable to understand his situation'. He was allegedly agitated and angry and asked his DIBP case worker whether he should commit suicide.</p> <p>IHMS reported that a risk assessment was completed and a plan for addressing his needs was discussed. No further information was provided.</p>
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20 January 2015 – ongoing	<p>IHMS and DIBP Incident Reports reported that Mr X commenced voluntary starvation as a form of protest following his return to detention.</p> <p>Mr X was admitted to hospital on several occasions as both a voluntary and involuntary patient following self-harm and ill health as a consequence of his hunger strike.</p> <p>He was reviewed by psychiatrists and doctors but on all occasions refused medical assistance. He was placed on Psychological Support Program observations on several occasions and the adverse effects of voluntary starvation was explained to him.</p> <p>On 6 March 2015 in a review with a psychiatrist it was reported that Mr X showed no signs of major mood disorder and no signs of psychosis. He had the capacity to give consent and could refuse medical intervention at that time.</p> <p>At the time of the IHMS report dated 12 March 2015 Mr X was on day 52 of voluntary starvation and was continuing to refuse to eat or provide IHMS with information about his fluid intake.</p>
13 February 2015 and 26 February 2015	DIBP Incident Reports recorded that Mr X was restrained to prevent further self-harming behaviour. No further information was provided.
18 March 2015	A DIBP Incident Report recorded that an ambulance was requested as Mr X had been scheduled under a Mental Health Act. No further information was provided.
25 March 2015	A DIBP Incident Report recorded that an ambulance was required for Mr X following his voluntary starvation protest. No further information was provided.

#### **Recent detention incidents**

5 February 2015	A DIBP Incident Report recorded that Mr X allegedly threatened to kill a Serco officer and their family. No further information was provided.
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#### **Case status**

Mr X voluntarily departed Australia on 8 September 2015 and returned to Country A.
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