

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 for more than two and a half years.

Name	Mr X
Citizenship	Country A
Year of birth	1982
Ombudsman ID	1002735-O
Date of department's reports	14 August 2017 and 12 February 2018
Total days in detention	913 (at date of department's latest report)

Detention history

August 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 and then to Facility C later that day.
January 2016 – August 2016	Transferred six times between various immigration detention facilities.
July 2017	Transferred to Facility B.

Visa applications/case progression

Mr X arrived in Australia in August 2006 on a Vocational Education and Training sector visa which ceased in March 2009.	
May 2007	Lodged a Student visa which was refused in August 2007. He was granted a bridging visa on the same day.
February 2009 and November 2009	Granted a bridging visa.
February 2009	Lodged a Protection visa application.
January 2010	Granted a Protection visa.
December 2014	Lodged an Australian citizenship application. He failed to attend associated interviews in December 2014 and February 2015 and on in February 2015 his application was deemed invalid.
June 2015	Protection visa cancelled under s 501.
July 2015	Mr X lodged a request for revocation of the cancellation of his Protection visa. In September 2015 the Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
September 2016	The department finalised an International Treaties Obligations Assessment, determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.

July 2017	Applied to the Federal Court (FC) for judicial review of the Assistant Minister's decision not to revoke the cancellation of his Protection visa. The matter was adjourned in August 2017.
February 2018	The Department of Home Affairs (the department) advised that the involuntary removal of Mr X from Australia was put on hold pending the outcome of his application for judicial review with the FC.

Criminal history

September 2011 – March 2015	Convicted of multiple offences and received a fine and multiple bonds.
April 2015	Convicted of multiple offences and sentenced to one year imprisonment with a non-parole period of six months.
June 2015	Convicted of multiple offences and sentenced to eight months imprisonment with a non-parole period of four months.
July 2017	Involved in an alleged incident regarding contraband material while placed in immigration detention.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X has a history significant mental health concerns. Upon being detained, IHMS recommended the prescription of regular medication, however Mr X declined. IHMS further advised that Mr X has required monitoring on multiple occasions due to increased stress associated with detention fatigue, concerns for his family's welfare and negative interactions with other detainees and detention centre staff. In November 2017 Mr X requested to be placed on a program to assist with a history of substance dependency and his request was referred to a specialist for review.</p> <p>IHMS further advised that Mr X was reviewed by a specialist for an injury and attended physiotherapy for back pain.</p>	
August 2016	An Incident Report recorded that Mr X was placed in a high care unit for more than 24 hours following advice from IHMS.
October 2016 – October 2017	Incident Reports recorded that Mr X threatened self-harm on multiple occasions.
October 2016 – January 2018	Incident Reports recorded that Mr X self-harmed on multiple occasions.
September 2017 – October 2017 and January 2018	Incident Reports recorded that Mr X and a number of other detainees refused food and fluid.

Case status

<p>Mr X was detained in August 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two and a half years.</p> <p>Mr X's Protection visa was cancelled under s 501 in June 2015. Mr X lodged a request for revocation of the cancellation of his visa and in September 2015 the Assistant Minister decided not to revoke the cancellation decision.</p> <p>At the time of the department's latest report Mr X was awaiting the outcome of judicial review.</p>
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