

## 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 a cumulative period of more than two years.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1002827-O
<b>Date of department's report</b>	6 January 2018
<b>Total days in detention</b>	730 (at date of department's report)

### Detention history

August 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Facility B.
August 2016	Granted a bridging visa and released from immigration detention.
December 2016	Re-detained under s 189(1) after living unlawfully in the community. He was transferred to Facility B.
April 2017	Granted a bridging visa and released from immigration detention.
May 2017	Re-detained under s 189(1) after living unlawfully in the community. He was transferred to Facility B.

### Visa applications/case progression

Mr X arrived in Australia in February 2006 on a Higher Education Sector visa.	
August 2006	Issued with a non-compliance notice after failing to commence a higher education course.
August 2009	Higher Education Sector visa ceased.
August 2015 – April 2016	Lodged multiple bridging visa applications which were refused. The Administrative Appeals Tribunal affirmed each refusal.
February 2016	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
May 2016 – January 2017	Lodged three bridging visa applications which were refused.
August 2016	Lodged a bridging visa application.
August 2016	Granted a bridging visa which ceased in September 2016.
March 2017	Lodged a bridging visa application.
April 2017	Granted a bridging visa which ceased in April 2017.
September 2017	Requested voluntary removal.

January 2018	The Department of Home Affairs (the department) advised that an application for a travel document for Country A continues to be processed by the authorities of Country A.
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### **Criminal history**

September 2017	Convicted of offences for which he was fined and sentenced to a 12-month good behaviour bond.
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### **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X had previously been prescribed with medication for the management of mental health issues and was referred for specialist counselling for a mental health concern. He continued to engage with the mental health team.

IHMS further advised that in October 2017 Mr X was transferred to hospital for medical review after sustaining injuries in an alleged assault in detention. Following his discharge Mr X continued to be prescribed with pain relief medication and his condition was monitored by the IHMS medical team.

October 2017	An Incident Report recorded that Mr X was transported to hospital by ambulance following an alleged assault. He was discharged on the same day.
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### **Detention incidents**

October 2015 - October 2017	Incident Reports recorded that Mr X was allegedly assaulted by other detainees on multiple occasions and requested that a number of the incidents be referred to the police.
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### **Other matters**

The department advised that it understood Mr X's cousin and Australian citizen wife reside in State C.

### **Case status**

Mr X was detained in August 2015 after living unlawfully in the community and has remained in an immigration detention facility for a cumulative period of more than two years. He has no matters before the department, the courts or tribunals and has requested removal from Australia.

On 6 January 2018 the department advised that an application for a travel document for Country A continued to be processed by the authorities of Country A.