

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

*Under s 486O of the Migration Act 1958*

This is the third s 486O report on Mr X who has remained in restricted immigration detention for more than 42 months (three and a half years).

The first report 1001594 was tabled in Parliament on 29 October 2014 and the second report 1002089 was tabled in Parliament on 3 June 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>	1983
<b>Ombudsman ID</b>	1002685
<b>Date of DIBP's reports</b>	9 June 2015 and 11 December 2015
<b>Total days in detention</b>	1,281 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002089), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
10 October 2015	Transferred to Perth IDC.
January 2016	Mr X was released from detention when he voluntarily departed Australia and returned to Country A.

### Recent visa applications/case progression

13 January 2015	Mr X was invited to provide information in relation to a new International Treaties Obligations Assessment (ITOA), to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.
21 January 2015	Mr X provided his response.
30 April 2015	The Department of Immigration and Border Protection (DIBP) invited Mr X to provide further relevant information in relation to the ITOA.
5 May 2015	Mr X provided his response.
24 July 2015	Protection visa application refused.
no date provided	DIBP advised that a travel document for Mr X was obtained from the Country A Embassy in Country B valid until 28 December 2015.
10 December 2015	Mr X was scheduled to voluntarily depart Australia however, due to an error on his travel document, the airline would not agree to take him.
11 December 2015	DIBP advised that Mr X was provided with information from the International Organization for Migration.
January 2016	Mr X voluntarily departed Australia.

### **Criminal matters**

19 March 2015	Mr X was allegedly involved in an incident causing damage to Commonwealth property which was referred to the Australian Federal Police (AFP) for investigation. The matter remained outstanding at the time of DIBP's latest report.
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### **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any major physical health issues.	
17 December 2014	IHMS advised that Mr X had been venting his frustrations with outbursts of anger as a result of his prolonged detention. He threatened self-harm and was placed on Psychological Support Program (PSP) observations.
18 December 2015	At a mental health team (MHT) review Mr X's PSP observations were ceased after he guaranteed his safety and was reportedly focusing on his future.
10 June 2015	Reviewed by a psychiatrist who reported that Mr X was anxious and tense with low mood. He declined medication.
10 October 2015	During a routine mental health assessment it was noted that Mr X continued to feel frustrated with his prolonged detention but his risk of self-harm was considered low.
13 November 2015	IHMS advised that Mr X had continued to receive counselling from the MHT and is provided with management strategies for anger management issues.

### **Recent detention incidents**

Since the Ombudsman's previous report, DIBP Incident Reports recorded that Mr X was allegedly involved in numerous incidents including abusive and aggressive behaviour towards staff, causing damage to property and possession of contraband.
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### **Other matters**

18 February 2015	A complaint was lodged on behalf of Mr X with the Australian Human Rights Commission (AHRC). On 5 March 2015 DIBP provided a response and on 1 April 2015, the AHRC requested further information. On 20 April 2015 DIBP provided a response to the AHRC and the matter was finalised on 24 June 2015.
1 April 2015	Mr X was allegedly involved in an incident causing damage to Commonwealth property which was referred to the AFP. On 14 April 2015 the AFP advised that it would not be investigating the matter.

### **Case status**

Mr X voluntarily departed Australia in January 2016 and returned to Country A.
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