

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 years.

Name	Mr X
Citizenship	Country A
Year of birth	1992
Ombudsman ID	1002813-O
Date of department's report	17 December 2017
Total days in detention	730 (at date of department's report)

Detention history

December 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
May 2016	Transferred to Facility C.
October 2016	Transferred to Facility D.
June 2017	Transferred to Facility C.

Visa applications/case progression

Mr X has resided in Australia since July 2007 on a Global Special Humanitarian visa.	
May 2015	Global Special Humanitarian visa mandatorily cancelled under s 501.
June 2015	Mr X lodged a request for revocation of the cancellation of his Global Special Humanitarian visa. In March 2017 a delegate of the Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
May 2017	Requested removal from Australia.
May 2017	The Administrative Appeals Tribunal (AAT) affirmed the delegate's decision.
December 2017	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he is on a voluntary removal pathway.

Criminal history

2011 –September 2014	Convicted of multiple offences and sentenced to terms of imprisonment of up to two years and three months.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for complex mental health concerns. A treating psychiatrist recommended that Mr X be placed in the community where he could receive adequate monitoring. In March and August 2017 Mr X was assessed as being in remission and a treating psychiatrist noted that although Mr X's mental health condition was well managed, his access to treatment in his country of origin may be limited. In September 2017 Mr X declined to take his prescribed medication due to concerns regarding side effects and the belief that he would not be able to access the medication once he was removed from Australia. Mr X recommenced taking his prescribed medication in October 2017 and was encouraged to continue doing so.

IHMS further advised that Mr X received treatment for physical health concerns. He was also transferred to an emergency department following an alleged assault and attended specialist review.

November 2017

An Incident Report recorded that Mr X refused food and fluid.

Detention incidents

December 2015 –
November 2017

Incident Reports recorded that Mr X was allegedly involved in multiple behavioural incidents.

November 2017

An Incident Report recorded that Mr X's property was defaced by another detainee.

Other matters

Mr X's parents and three siblings reside in Australia.

Case status

Mr X was detained in December 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two years.

Mr X's Global Special Humanitarian visa was mandatorily cancelled under s 501 and in March 2017 a delegate of the Minister decided not to revoke the decision to cancel Mr X's visa. In May 2017 the AAT affirmed the delegate's decision.

Mr X has no matters before the department, the courts or tribunals and is on a voluntary removal pathway.