

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 remained in immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1984
Ombudsman ID	1002740-O
Date of department's report	18 August 2017
Total days in detention	730 (at date of department's report)

Detention history

19 August 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visitor visa under s 116. He was transferred to Facility B.
2 September 2015	Transferred to Facility C.
7 July 2016	Transferred to Facility D.
23 September 2016 – 25 January 2017	Transferred three times between Facility D and Facility E.
5 April 2017	Transferred to Facility B.
3 May 2017	Transferred to Facility E.
27 September 2017	Granted a Safe Haven Enterprise visa (SHEV) and released from immigration detention.

Visa applications/case progression

Mr X arrived in Australia on 18 August 2015 on a visitor visa and was refused immigration clearance. He was found to be a non-genuine visitor and his visa was cancelled under s 116 on the following day.	
1 October 2015	Lodged a Temporary Protection visa application that was withdrawn on 4 May 2016.
6 May 2016	Lodged a SHEV application.
4 November 2016	SHEV application refused.
8 November 2016	Applied to the Administrative Appeals Tribunal for merits review.
9 August 2017	Identified for assessment against the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
27 September 2017	Granted a SHEV.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for complex mental health concerns, including a major depressive disorder, anxiety attacks, an adjustment disorder and isolating behaviour. He was transferred to a hospital in August 2015 after displaying high levels of anxiety and distress related to fears of being returned to his home country. In August 2016 and February 2017 a treating psychiatrist advised that Mr X's behavioural concerns were caused by his prolonged detention and recommended that the prompt resolution of his immigration case would benefit his mental health. In April 2017 Mr X was admitted to a psychiatric hospital following a deterioration in his mental health after he was allegedly assaulted by two other detainees. Upon his discharge Mr X continued to be monitored by the medical team for psychological support.

IHMS further advised that Mr X received treatment for a leg injury and associated pain, a degenerative foot condition, and nasal concerns. He was awaiting appointments with an ear, nose and throat specialist and orthopaedist at the time of IHMS's latest report.

20 August 2015	An Incident Report recorded that Mr X was transported to hospital by ambulance following an incident of self-harm.
23 July 2016 – 5 December 2016	Incident Reports recorded that Mr X self-harmed on four occasions.
31 July 2016	An Incident Report recorded that spontaneous use of force was required to prevent Mr X from self-harming.
6 April 2017 – 2 May 2017	Admitted to a psychiatric hospital.

Detention incidents

22 September 2016	<p>An Incident Report recorded that Mr X was allegedly assaulted by two other detainees at Facility D. After the incident Mr X requested to be transferred to Facility E and he was transferred there on 23 September 2016.</p> <p>The matter was referred to the police for further investigation on 27 September 2016.</p>
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Case status

Mr X was detained on 19 August 2015 after arriving in Australia on a visitor visa and remained in an immigration detention facility for more than two years.

Mr X was granted a SHEV on 27 September 2017 and released from immigration detention.