

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than two and a half years. The previous assessment 1000263 was tabled in Parliament on 26 June 2013. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1979
Ombudsman ID	1000230-O
Date of department's report	2 January 2018 ¹
Total days in detention	940 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained in the community on a bridging visa and was subsequently granted a Protection visa.	
October 2017	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Facility D.
December 2017	Transferred to Facility B.

Recent visa applications/case progression

March 2013	The Minister lifted the bar under s 91L to allow Mr X to lodge a Protection visa application.
March 2013	Granted a Protection visa.
April 2017	Protection visa mandatorily cancelled under s 501.
April 2017	Mr X lodged a request for revocation of the cancellation of his Protection visa. In December 2017 Mr X was invited to comment on additional information relevant to his request.

Criminal history

November 2013	Convicted of an offence and sentenced to a six-month good behaviour bond with no conviction recorded.
June 2016	Convicted of an offence and sentenced to three years imprisonment with a non-parole period of one year and six months. Mr X appealed his conviction and a hearing was scheduled for February 2018.

¹ The department's 30 month report on Mr X was due in December 2017. The department advised that the delay in provision of this report was due to an incorrectly recorded due date.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has engaged with the mental health team for the management of multiple mental health concerns. He was placed on Supportive Monitoring and Engagement observations and reviewed by the mental health team in October 2017 following suicidal ideation. Mr X requested specialised counselling and was referred to a psychiatrist who reported anxiety and noted that Mr X was at risk of deliberate self-harm when distressed.

In November 2017 a reviewing psychologist reported that Mr X was ruminating about his family's situational issues in Country A and assessed his risk of self-harm as low. In November 2017 an Incident Report recorded that Mr X expressed suicidal ideation as he was unable to see a psychologist. He was subsequently placed on Keep Safe observations and was reviewed by the mental health team who found he did not meet the criteria for Psychological Support Program observations. Following this review Mr X self-harmed and was unwilling to attend a medical review.

IHMS further advised that Mr X received treatment for medical concerns.

October 2017	An Incident Report recorded that Mr X expressed suicidal ideation after his visa was cancelled.
November 2017	An Incident Report that Mr X self-harmed and expressed suicidal ideation.
December 2017	An Incident Report recorded that Mr X threatened self-harm.
December 2017 – December 2017	Incident Reports recorded that Mr X refused food and fluid.

Other matters

January 2018	Mr X raised concerns with the Office of the Commonwealth Ombudsman (the Office) in relation to his case status and the medical care available at Facility B. On the same day the Office followed up with detention centre staff and were advised that Mr X was to be transferred to Facility E to allow him access to specialised counselling services.
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Case status

Mr X was first detained in March 2010 after arriving in Australia by sea. He was granted a bridging visa and released from detention in June 2012. In March 2013 the Minister lifted the bar under s 91L to allow Mr X to apply for a visa and in March 2013 Mr X was granted a Protection visa.

Mr X was re-detained in October 2017 following his release from a correctional facility and has remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than two and a half years.

Mr X's Protection visa was mandatorily cancelled under s 501 in April 2017 and Mr X lodged a request for revocation of the cancellation of his visa. The matter remained ongoing at the date of the Department of Home Affairs' report.