

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

Under s 486O of the Migration Act 1958

This is the second 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 1003287 was tabled in Parliament on 31 August 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1977
Ombudsman ID	1002031-O
Date of DIBP's reports	16 August 2016 and 14 February 2017
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003287), Mr X remained at Facility B.	
30 June 2016	Transferred to Facility C.
20 October 2016	Transferred to Facility D.

Recent visa applications/case progression

14 March 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 4 April 2016 and was assigned a provider.
22 April 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
26 April 2016	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
30 June 2016	The Minister agreed to consider Mr X's case on a second stage ministerial submission for consideration under s 195A, however the Department of Immigration and Border Protection (the department) subsequently declined to refer Mr X's case due to an incident that occurred in June 2016.
14 December 2016	The department invited Mr X to comment on two incidents that occurred in June and November 2016 in relation to his SHEV application.
2 February 2017	Mr X's case was reconsidered by the department and referred on a first stage ministerial submission for consideration under s 195A for the grant of a Bridging visa.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X attended mental health reviews and received treatment for management of cluster B personality disorder, threats of self-harm and a history of torture and trauma. He was assessed by a psychologist and closely monitored by the mental health team between 31 October 2016 and 9 December 2016 after threatening self-harm and refusing food and fluids on multiple occasions.</p> <p>IHMS further advised that Mr X received treatment for multiple physical health concerns, including eye pain and hand numbness. The department advised that Mr X was scheduled to undergo a computed tomography (CT) scan in City E on 16 January 2017, however he refused to be transferred and signed a refusal of treatment form. After re-presenting with new symptoms, he was referred for another scan on 8 February 2017.</p>	
16 November 2016 – 24 January 2017	Incident Reports recorded that Mr X threatened self-harm on five occasions.

Recent detention incidents

16 August 2016	An Incident Report recorded that Mr X was allegedly involved in the sexual assault of another detainee in June 2016 at Facility B. The matter was referred to the Australian Federal Police (AFP) and on 2 September 2016 the department was notified that the matter had been closed due to insufficient evidence.
24 November 2016	An Incident Report recorded that Mr X allegedly behaved inappropriately towards an IHMS mental health nurse. The matter was referred to the AFP and on 14 December 2016 the department was notified that the complaint had been withdrawn.

Information provided by Mr X

<p>During a telephone conversation with Ombudsman staff on 21 April 2017 Mr X advised that he has remained in restricted detention for four years and feels despondent and fatigued. He said he does not understand why he has not been released from detention and what has caused the delay in his immigration processing.</p> <p>Mr X advised that he signed the paperwork to lodge a SHEV visa a significant time ago but has not received an update recently. He said that the department has asked for a police check as part of his visa processing but he does not understand why this check had not already been completed.</p> <p>Mr X explained that he refused to attend the CT scan in City E in January 2017 because he wished to finalise his immigration matters at Facility D. He said that he has since attended a scan and the medical team advised that his symptoms were caused by a vascular condition. He advised that he is now taking medication and his symptoms have resolved.</p> <p>Mr X also claimed that his Country A passport and a personal USB device were lost by Serco officers at Facility D and during a transfer from Facility C to Facility D. He said he was waiting for the department to locate his items.</p>
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Case Status

Mr X was detained on 18 August 2013 after arriving in Australia by sea and has been held in restricted detention for more than three and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 22 April 2016 Mr X lodged an application for a SHEV.

On 2 February 2017 Mr X's case was referred on a first stage ministerial submission for consideration under s 195A for the grant of a Bridging visa.