

## 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 immigration detention for more than 54 months (four and a half years).

The first report 1001142 was tabled in Parliament on 28 May 2014 and the second report 1001733 was tabled in Parliament on 18 March 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>	1988
<b>Ombudsman ID</b>	1002211
<b>Date of DIBP's reports</b>	21 January 2015, 24 July 2015 and 19 January 2016
<b>Total days in detention</b>	1,642 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001733), Mr X remained at Facility P.	
10 September 2015	Transferred to community detention.

### Recent visa applications/case progression

3 June 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a Temporary Protection visa (TPV) application. His case was also referred for advice on whether the Minister would consider intervening under ss 197AB or 195A. The Minister indicated that he would consider a referral under s 197AB for consideration of a community detention placement.
11 June 2015	Mr X was invited to lodge a TPV application.
2 July 2015	Mr X's case was referred on a ministerial submission for consideration under s 197AB for a community detention placement.
11 August 2015	Lodged a TPV application.
28 August 2015	Mr X's case was referred on a ministerial submission under s 46A for consideration to lift the bar.
2 September 2015	The Minister intervened under s 197AB to allow Mr X to reside in community detention.
22 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a Safe Haven Enterprise visa (SHEV) application.
29 September 2015	The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a SHEV application.

## Health and welfare

February 2014	International Health and Medical Services (IHMS) advised that Mr X was reviewed by a psychiatrist and his antidepressant medication dosage was increased.
25 June 2014 – ongoing	Mr X was referred to a neurology clinic for further assessment of his ongoing headaches and pain. IHMS advised that this appointment remained outstanding at the time of its report and his condition was monitored by his general practitioner (GP).
1 August 2014	During a consultation with his GP, Mr X reported that he wished to cease his antidepressant medication. His medication dosage was reduced and he was advised to attend regular follow-up appointments.
5 September 2014	Mr X disclosed a history of self-harm and aggression during a review with a psychiatrist. He further advised that he was experiencing side-effects related to his reduced medication dosage. He was diagnosed with an adjustment disorder and his medication dosage was increased.
November 2014	Mr X advised that his mental health had improved during a follow-up assessment and his psychiatrist reported that his adjustment disorder was well managed.
10 September 2015	IHMS reported that following his transfer to community detention, Mr X requested a reduction in his antidepressant medication (date not provided). On 1 December 2015 Mr X informed his GP that he had ceased his medication. His mental health continues to be assessed and managed by his GP.

## Other matters

21 January 2015	<p>DIBP advised that Mr X was scheduled to appear before the Perth Magistrates Court on 22 September 2014. However, on 25 September 2014 the Commonwealth Director of Public Prosecutions dismissed the criminal charges against Mr X.</p> <p>DIBP further advised that Mr X was no longer a person of interest to its National Security and Serious Crimes Reporting Team and Detention Intelligence Analysis Sections.</p>
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## Case status

<p>Mr X has been found to be owed protection under the Refugee Convention and the complementary protection criterion. On 21 January 2015 DIBP advised that Mr X's ongoing criminal matters had been resolved and he was no longer considered a person of interest.</p> <p>On 3 June 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 11 August 2015 Mr X lodged a TPV application.</p> <p>On 22 September 2015 the Minister again lifted the bar under s 46A to allow Mr X to apply for a SHEV.</p>
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