

**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 36 months (three years).

The first report 1003187 was tabled in Parliament on 2 March 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	1994
Ombudsman ID	1001943-O
Date of DIBP's reports	3 February 2016 and 1 August 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003187), Mr X remained at Facility B.	
19 September 2015	Transferred to Facility C.
5 November 2015	Transferred to Facility D.
26 December 2016	Removed from Australia.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Mr X was part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A of the <i>Migration Act 1958</i> .	
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
18 November 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
23 December 2015	Found not to meet the guidelines for referral to the Minister under s 195A.
3 February 2016	DIBP advised that Mr X was previously of interest in relation to his alleged involvement in a number of incidents in immigration detention.
3 February 2016	DIBP advised that Mr X had been referred to an external agency for investigation.

22 February 2016	DIBP notified Mr X that although he had already submitted a SHEV application, he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He was informed that if he chose not to accept the PAIS offer, assessment of his existing application would recommence. He accepted the offer on 24 February 2016 and was assigned a PAIS provider.
1 March 2016	DIBP assisted Mr X in relation to an enquiry about whether he had residency rights in Country E.
18 May 2016	The authorities of Country E advised that Mr X does not have residence rights in Country E.
1 August 2016	DIBP advised that processing of the SHEV application remained ongoing.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X was diagnosed with and received supportive counselling and treatment for mental health conditions including acute stress disorder, low mood and detention fatigue.</p> <p>In September 2015 Mr X was twice placed on Supportive Monitoring and Engagement (SME) observations following increased stress and inability to guarantee his own safety. His stress was reported to be partly attributable to lack of sleep and he was prescribed with sleeping medication.</p> <p>In February 2016 he was reviewed by the mental health team who confirmed detention fatigue and situational stress in conjunction with recent stresses in relation to victimisation by other detainees. He refused specialist counselling for torture and trauma and review by a psychologist.</p> <p>IHMS advised that Mr X was also investigated for physical conditions including chest pain for which he received ongoing care and treatment. This included emergency assessment and management in a hospital in January 2016.</p> <p>IHMS indicated that monitoring of Mr X as a tuberculosis contact had ended as he did not report any symptoms of concern nor were any x-ray results found to be abnormal.</p>	
7 August 2015	Transferred to a hospital emergency department overnight for investigation of persistent vomiting. No apparent cause was identified. He received intravenous fluids and medication and was discharged.
11 October 2015	A DIBP Incident Report recorded that Mr X alleged he has been assaulted by two other detainees.
8 February 2016	A DIBP Incident Report recorded that Mr X self-harmed by making minor lacerations on himself.
9 February 2016	A DIBP Incident Report recorded that Mr X confirmed he was pursuing food and fluid refusal. IHMS advised that he was placed on SME observations and provided with ongoing support and counselling until he was deemed to be of low risk.

Recent detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in a number of behavioural incidents of a minor nature.

Information provided by Mr X

During a telephone conversation with Ombudsman staff on 19 October 2016 Mr X advised that DIBP had informed him that based on the information he had provided in his application, he could live in City F. As a result he had signed papers to go back to Country A. He had also been interviewed at the Embassy of Country A in Canberra for a travel document and he had contacted the International Organization for Migration. He had not yet been informed of a departure date.

Mr X advised he did not wish to further pursue his claim for asylum because of the attitude and behaviour of Serco. He advised he had complained to Serco about the matter but did not wish to pursue the matter now that he would be leaving Australia.

Case status

Mr X was removed from Australia on 26 December 2016.