

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in restricted immigration detention for more than 78 months (six and a half years) due to an adverse security assessment.

The first report 810/12 was tabled in Parliament on 20 March 2013, the second report 1001166 was tabled in Parliament on 28 May 2014 and the third report 1001779 was tabled in Parliament on 11 February 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1980
Ombudsman ID	1002230
Date of DIBP's reports	12 February 2015, 13 August 2015 and 11 February 2016
Total days in detention	2,373 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001779), Mr X has remained at Melbourne Immigration Transit Accommodation.

Recent visa applications/case progression

April 2015	The Independent Reviewer of Adverse Security Assessments commenced a review of Mr X's adverse security assessment.
4 August 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
25 August 2015	The Department of Immigration and Border (DIBP) invited him to lodge an application for a temporary visa.
2 October 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
15 October 2015	The Australian Security Intelligence Organisation (ASIO) invited him to attend an interview about his security assessment.
20 and 21 October 2015	He attended two interviews with ASIO.
11 February 2016	DIBP advised that consideration of his SHEV application is ongoing.

Health and welfare

October 2014 – December 2014	International Health and Medical Services (IHMS) advised that Mr X attended seven physiotherapy appointments in relation to his right shoulder pain.
29 January 2015	Complained of left shoulder pain. He was prescribed with pain relief medication
6 February 2015	Attended an ultrasound and x-ray for his left shoulder and no abnormalities were identified.

17 March 2015	IHMS advised that he has continued to decline mental health support.
26 June 2015	Diagnosed with bursitis in both shoulders, a tear of his right shoulder and referred to an orthopaedic surgeon. IHMS advised that he has refused pain relief medication for this condition. He was referred to a specialist for further review.

Recent detention incidents

DIBP Incident Reports recorded that Mr X has allegedly been involved in eight incidents involving aggressive or abusive behaviour.	
20 December 2015	A DIBP Incident Report recorded that Mr X assisted in calming another detainee who attempted self-harm by strangling herself using an electrical cable.

Other matters

17 December 2014	DIBP provided a response to the United Nations Human Rights Committee regarding a complaint lodged by 38 people including Mr X. No updated information about the status of this matter was provided in DIBP's reviews of 13 August 2015 and 11 February 2016.
22 September 2015	Victoria Police issued Mr X with a pre-charge diversion notice in relation to an incident on 1 December 2014. DIBP advised that the matter is now finalised.

Case status

<p>Mr X has been found to be owed protection under the Refugee Convention and the complementary protection criterion. He is the subject of an adverse security assessment and has been held in restricted immigration detention for more than six and a half years.</p> <p>On 4 August 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application and on 2 October 2015 Mr X lodged an application for a SHEV. He attended interviews with ASIO on 20 and 21 October 2015 and is awaiting the outcome of his SHEV application.</p>
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