

## 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 a cumulative period of more than 36 months (three years).

The first report 1003197 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.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1982
<b>Ombudsman ID</b>	1001953-O
<b>Date of DIBP's reports</b>	29 January 2016 and 29 July 2016
<b>Total days in detention</b>	1094 (at date of DIBP's latest report)

### Recent detention history<sup>1</sup>

Since the Ombudsman's previous report (1003197), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
30 June 2016	Transferred to Facility B.

### 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 January 2016	DIBP advised that Mr X had been identified as a person of interest. On 29 July 2016 DIBP advised that he remained a person of interest.
18 April 2016	The Minister lifted the bars under ss 46A and 46B to allow Mr X to lodge a temporary visa application.
21 April 2016	DIBP notified Mr X 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 5 May 2016 and was assigned a PAIS provider.

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<sup>1</sup> The 24 month s 486N review from DIBP for Mr X stated that he was transferred to and from Manus Island Regional Processing Centre (RPC) and this advice was included in Mr X's first s 486O report. On 3 March 2016 DIBP advised that he was in fact transferred to and from Nauru RPC.

## Health and welfare

International Health and Medical Services (IHMS) advised that Mr X had experienced ongoing mental health issues since March 2014 when he was diagnosed with an adjustment disorder with anxious and depressed mood. In August 2015 he disclosed a history of torture and trauma but declined specialist counselling.

IHMS stated that in 2015 Mr X had announced he was refusing food and fluid which lasted a number of days. Mr X was also prescribed with antidepressant medication for a time.

In June 2016 Mr X disclosed to IHMS that he was frustrated due to situational issues and detention fatigue and IHMS advised he continued to present to the mental health team for support and counselling.

IHMS further advised that Mr X was awaiting an appointment with a psychiatrist which had previously been scheduled in December 2015 but not taken place and then had been delayed as a result of Wickham Point APOD closing down.

## Other matters

Mr X has a sister, Ms Y, who is an Australian citizen.

## Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

## Case status

Mr X was detained on 24 December 2012 after arriving in Australia aboard SIEV *Unipower* and has been held in detention for over three years.

On 18 April 2016 the Minister lifted the bars under ss 46A and 46B to allow Mr X to apply for a temporary visa. On 5 May 2016 Mr X accepted the PAIS assistance and was assigned a provider to assist with lodging his application.