

**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 1003395 was tabled in Parliament on 14 September 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	1974
Ombudsman ID	1002128-O
Date of DIBP's reports	31 August 2016 and 1 March 2017
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003395), Mr X remained at Wickham Point Alternative Place of Detention.	
21 June 2016	Transferred to Melbourne Immigration Transit Accommodation.

Recent visa applications/case progression

2 March 2016	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
28 November 2016	Found to meet the guidelines for referral to the Minister under s 195A.
23 January 2017	Mr X provided further information regarding his Safe Haven Enterprise visa (SHEV) application.
24 February 2017	Mr X was notified by the Department of Immigration and Border (the department) that unfavourable information regarding his SHEV application had been received. Mr X was invited to comment on these findings.
1 March 2017	The department advised that Mr X remains a person of interest in relation to alleged offshore criminal matters.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X received ongoing treatment for type 2 diabetes and continued to be reviewed by a podiatrist and optometrist as required for associated concerns. Mr X was referred to a specialist following reports of chronic pain associated with an abscess condition and at the time of the department's latest review was awaiting surgery.</p> <p>IHMS further advised that Mr X attended specialist counselling and engaged with a psychologist for the management of a history of torture and trauma, situational stress and insomnia. He reported symptoms of anxiety, associated headaches, fearfulness, low mood, poor sleep and continual worry about his family who remain in Country A.</p>
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Information provided by Mr X

During a telephone conversation with Ombudsman staff on 6 October 2016 Mr X reported feelings of frustration and confusion concerning his immigration status and expressed distress and feelings of helplessness regarding his ongoing separation from his wife and two children who remain in Country A.

Ombudsman assessment/recommendation

On 4 February 2016 Mr X lodged a SHEV application. At the time of the department's latest review new information regarding his SHEV application was being assessed.

The Ombudsman notes with concern the Government's duty of care to detainees and the serious risk to mental and physical health prolonged and apparently indefinite detention may pose. The Ombudsman notes with concern that Mr X has ongoing physical and mental health concerns and again recommends that Mr X be considered for a community detention placement or the grant of a Bridging visa while he awaits the outcome of his SHEV application.