

**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 1003446 was tabled in Parliament on 15 April 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	1969
Ombudsman ID	1002166-O
Date of DIBP's reports	19 March 2016 and 17 September 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003446), Mr X has remained at Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

10 August 2016	The Federal Circuit Court dismissed Mr X's application for judicial review of the Refugee Review Tribunal's decision to affirm the refusal of his Protection visa application.
18 August 2016	Mr X appealed to the Full Federal Court.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment for a chronic skin condition. Numerous medications were trialled to relieve his symptoms and his condition is managed by a dermatologist in conjunction with IHMS. IHMS further advised that Mr X sees a specialist counsellor as required for his previously disclosed history of torture and trauma. In May 2016 he was identified as having mild symptoms of depression and he is supported by the mental health team as required.	
30 May 2016	Mr X presented to IHMS with pain in his fingers following an alleged assault. An x-ray identified fractures in two of his fingers and they were placed in a splint. He was provided with pain-relief medication and referred to a hand therapist to assist him with regaining mobility. On 2 June 2016 Mr X presented to the mental health team reporting to feel traumatised, angry and frustrated about the alleged assault. He was provided with supportive counselling and advised to seek further IHMS mental health support as required.

Recent detention incidents

30 May 2016	A Department of Immigration and Border Protection (DIBP) Incident Report recorded that Mr X was involved in an altercation with a teacher when he refused to leave the library area. The next day Mr X lodged a formal written complaint with DIBP about this incident. DIBP investigated the incident and concluded that the teacher acted appropriately in the circumstances. On 31 May 2016 the incident was also referred to the police for further investigation. At the time of DIBP's latest report the matter remained ongoing.
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Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for more than three years. At the time of DIBP's latest review Mr X was awaiting the outcome of judicial review.