

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 1002248 was tabled in Parliament on 17 June 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A/Country B (dual citizenship), born in Country B
Year of birth	1969
Ombudsman ID	1003203
Date of DIBP's reports	17 August 2015 and 12 February 2016
Total days in detention	1,094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002248), Mr X remained at Yongah Hill Immigration Detention Centre.	
24 March 2015	Transferred to Wickham Point Alternative Place of Detention (APOD).

Recent visa applications/case progression

26 February 2015	Mr X was notified that he is unable to appeal to the Migration Review Tribunal (MRT) as his case is not within the MRT's jurisdiction.
17 August 2015	The Department of Immigration and Border Protection (DIBP) advised that Mr X has no matters before DIBP, the courts or tribunals and remains on a removal pathway. Mr X was advised that assistance is available through the International Organization for Migration should he choose to return to his home country voluntarily.

Health and welfare

30 July 2015	International Health and Medical Services (IHMS) advised that Mr X presented to a general practitioner with chest pain. An echocardiogram returned normal results and it was noted that the pain may be stress related. Mr X was assessed by a psychiatrist and psychologist (dates not provided) who noted that he was experiencing situational stress.
19 January 2016	Mr X presented with low mood and limited engagement during routine mental health assessments. He was monitored by the mental health team and advised to self-refer as required.

Other matters

2 March 2016	Mr X lodged a complaint with the Ombudsman's office about the lack of halal food options at Wickham Point APOD. This complaint is currently being investigated.
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Ombudsman assessment/recommendation

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no matters before DIBP, the courts or tribunals and remains on a removal pathway.

In light of the length of time Mr X has been held in restricted detention the Ombudsman recommends that consideration be given to granting Mr X a Bridging visa until removal action can be progressed.