

## REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the third s 486O report on Mr X who has remained in restricted immigration detention for more than 48 months (four years).

The first report 1002017 was tabled in Parliament on 12 August 2015 and the second report 1002858 was tabled in Parliament on 31 August 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1988
<b>Ombudsman ID</b>	1001646-O
<b>Date of DIBP's reports</b>	12 May 2016 and 10 November 2016
<b>Total days in detention</b>	1458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002858), Mr X remained at Wickham Point Alternative Place of Detention.	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

### Recent visa applications/case progression

15 January 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
16 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a new temporary visa application or providing supporting information for his existing application. He accepted the offer on 29 February 2016 and was assigned a PAIS provider.
10 May 2016	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa. The Minister declined to intervene on 11 May 2016.
12 July 2016	SHEV application refused.
14 July 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
16 September 2016	The IAA affirmed the decision to refuse Mr X's SHEV application.
18 October 2016	Requested judicial review by the Federal Circuit Court (FCC).

## Health and welfare

International Health and Medical Services (IHMS) advised commencing 15 December 2015 Mr X refused all food and fluid. His condition was reviewed on a daily basis and there were no adverse physical effects on his recommencing food and fluids on 22 December 2015.

Following diagnosis of a cartilage injury to his right knee Mr X was referred to an orthopaedic specialist for review. Mr X is awaiting notification of an appointment date.

IHMS advised that on presentation with an eye condition Mr X was referred for an optometry review. He was prescribed with medication and reading glasses.

IHMS also advised that he has also been prescribed with medication and attended counselling for low mood, poor sleep and anxiety.

Following his identification as a tuberculosis contact in 2015 IHMS advised that Mr X successfully completed a surveillance program.

15 December 2015

A DIBP incident report recorded that Mr X had refused food and fluid for three meals.

## Case status

Mr X was detained on 13 November 2012 after arriving in Australia by sea and has been held in restricted detention for more than four years.

On 15 January 2016 Mr X lodged an application for a SHEV, which was refused on 12 July 2016 and then referred to the IAA for review. On 16 September 2016 the IAA affirmed the original decision and on 18 October 2016 Mr X requested judicial review by the FCC.

At the time of DIBP's latest review Mr X was awaiting the outcome of judicial review.