

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 1002876 was tabled in Parliament on 24 February 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	1978
Ombudsman ID	1001659-O
Date of DIBP's reports	26 March 2016 and 24 September 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002876), Mr X remained at Wickham Point Alternative Place of Detention.	
21 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that its previous 30-month review, dated 25 September 2015, incorrectly stated that Mr X's case is affected by the Full Federal Court's (FFC) decision of 2 September 2015. ¹ DIBP advised that Mr X's case is not affected by the FFC judgment and his data breach claims were considered by the Refugee Review Tribunal on 13 May 2015.	
26 March 2016	DIBP advised that as Mr X has no matters before DIBP, the courts or tribunals, he has been referred for removal action.
18 June 2016	DIBP applied for a travel document at the Country A High Commission on Mr X's behalf.
8 September 2016	DIBP advised that Mr X's case was being assessed against the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
24 September 2016	Mr X remains a person of interest to DIBP.

¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received counselling for depression and was placed on Supportive, Monitoring and Engagement observations following ongoing mental health concerns. On 16 August 2016 IHMS reported that Mr X had ceased his anti-depressant medication after experiencing side-effects and was considered a low risk of self-harm. He was advised to self-refer to the mental health team as required.

IHMS further advised that Mr X received treatment for multiple physical health concerns including type 2 diabetes and hand pain. He continues to be monitored by IHMS and was referred to a hand therapist for further assessment.

15 December 2015 and
2 January 2016

DIBP Incident Reports recorded that Mr X refused food and fluids as a form of protest.

Recent detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in multiple minor behavioural incidents.

Case status

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 has been referred for removal action.