

**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 1003532 was tabled in Parliament on 31 August 2016. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A (born in Country B)
<b>Year of birth</b>	1977
<b>Ombudsman ID</b>	1002196-O
<b>Date of DIBP's reports</b>	18 April 2016 and 15 October 2016
<b>Total days in detention</b>	1094 (at date of DIBP's latest report)

**Recent detention history**

The Ombudsman's previous report (1003532), based on advice from the Department of Immigration and Border Protection (DIBP), stated that Mr X was transferred from Yongah Hill Immigration Detention Centre (IDC) to Christmas Island IDC on 9 October 2014. DIBP subsequently advised that the correct date of transfer was in fact 9 October 2015.

Since the Ombudsman's previous report, Mr X remained at Christmas Island IDC.

28 January 2016	Transferred to Yongah Hill IDC.
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**Recent visa applications/case progression**

19 January 2016	Lodged a Temporary Protection visa (TPV) application.
1 April 2016	Mr X's case was referred on a first stage submission for the Minister's indication of whether he would be inclined to consider a further submission under s 195A for the grant of a Bridging visa.
15 April 2016	The Minister indicated he was not inclined to consider a further submission under s 195A.
15 August 2016	Mr X's case was referred on a first stage submission for the Minister's indication of whether he would be inclined to consider a further submission under s 195A for the grant of a Bridging visa.
9 September 2016	The Minister agreed to consider Mr X's case on a second stage submission under s 195A. On 15 October 2016 DIBP advised that the matter remained ongoing.

## **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X presented as flat or low in mood at a routine mental health assessment on 12 January 2016 but denied any serious concerns. However, he did inform IHMS that his roommate had recently died following escape from the detention centre.

IHMS stated on 12 September 2016, based on later mental health screenings and a consultation, that Mr X's mental health was considered stable and he was at low risk of self-harm or harm to and from others.

IHMS further advised that Mr X received treatment and surgery for a gastroenterological issue and treatment for a kidney stone.

## **Recent detention incidents**

DIBP Incident Reports recorded that Mr X was allegedly involved in a small number of behavioural incidents of a minor nature.

## **Case status**

Mr X was detained on 21 February 2013 after arriving in Australia by sea and has been held in restricted detention for more than three years.

On 25 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 19 January 2016 Mr X lodged a TPV application.