

**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 42 months (three and a half years).

The first report 1002936 was tabled in Parliament on 14 October 2015 and the second report 1003482 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.

Name	Mr X
Citizenship	Country A
Year of birth	1965
Ombudsman ID	1001710-O
Date of DIBP's reports	6 April 2016 and 5 October 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003482), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
21 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

6 November 2015	The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a temporary visa application.
20 January 2016	Lodged a Temporary Protection visa (TPV) application.
27 January 2016	Found not to meet the guidelines for referral to the Minister under ss 195A and 197AB of the <i>Migration Act 1958</i> .
24 February 2016	DIBP informed Mr X that it had assessed him as eligible to receive the Primary Application and Information Service (PAIS) to assist him either with his existing TPV application or with lodging a new temporary visa application. On 29 February 2016 Mr X accepted the offer of PAIS assistance.
3 June 2016	DIBP requested more information from Mr X in relation to the TPV application. On 12 July 2016 and 1 August 2016 Mr X provided further information.
15 September 2016	Mr X's case was identified for referral to the Minister for consideration under s 195A for grant of a Bridging visa.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X had been identified or suspected of having a history of torture and trauma. However, he had declined a referral for counselling. IHMS stated he had regular assessments with the mental health team. Subsequently, on 18 March 2016, a review showed he had no discernible signs or symptoms of mental illness and displayed resilience.

IHMS further advised that Mr X received assistance with smoking cessation and treatment for gingivitis.

Other matters

DIBP advised that Mr X's brother, Mr Y, was residing lawfully in the community on a Bridging visa.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 19 April 2016 Mr X advised that he had held occupation B in Country A. He said he had survived a bomb blast which was the reason he had left this position.

Mr X said he had been transferred between many detention facilities and expressed the desire to be transferred to a facility in Melbourne. This was because his brother who had come to Australia three months after he did was living and working in Melbourne on a Bridging visa. He advised he had no other family in Australia.

Mr X advised he spoke with his brother but had limited contact with his family as they lived in a remote area and would have to go to an elevated position on a mountain to get mobile phone reception.

Ombudsman assessment/recommendation

Mr X was detained on 8 April 2013 after arriving on the Australian mainland aboard *SIEV Lotus* and has been held in detention for over three and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 20 January 2016 Mr X lodged an application for a SHEV/TPV and on 29 February 2016 Mr X accepted PAIS assistance.

On 9 September 2016 Mr X's case was identified for referral to the Minister for consideration under s 195A to grant a Bridging visa.

The Ombudsman notes that Mr X has a brother living in Melbourne on a Bridging visa. The Ombudsman recommends that Mr X be transferred to an immigration detention facility in Melbourne to facilitate contact with his brother.