

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 36 months (three years).

The first report 1002372 was tabled in Parliament on 10 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	1977
Ombudsman ID	1001288-O
Date of DIBP's report	22 March 2016
Total days in detention	1095 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002372), Mr X has remained at Wickham Point Alternative Place of Detention (APOD).

Recent visa applications/case progression

12 November 2015	Following remittal, the Administrative Appeals Tribunal (AAT) ¹ affirmed the Department of Immigration and Border Protection's original decision to refuse Mr X's Protection visa application.
30 November 2015	Requested judicial review by the Federal Circuit Court (FCC).
22 January 2016	The FCC scheduled Mr X's final hearing for 24 August 2016.

Health and welfare

International Health and Medical Services (IHMS) reported that Mr X continued to be monitored and treated for hearing-related symptoms and gastric reflux and also commenced treatment for chronic joint pain.

IHMS advised that Mr X's previously reported mental health concerns of depression, stress and insomnia were still ongoing but Mr X declined treatment and support from the mental health team. IHMS advised that no major concerns had been reported and he is aware of the self-referral process.

IHMS also stated that while the psychiatrist had not made any recommendations concerning Mr X's detention placement, the psychiatrist had noted in the last two routine mental health assessments that Mr X had experienced depression because of his prolonged detention.

¹ On 1 July 2015 the Migration Review Tribunal and the Refugee Review Tribunal merged with the AAT.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 20 April 2016 Mr X advised he did not know why he was still in detention. He claimed he only heard from his case manager when he needed to attend court.

He said the detention conditions were not a concern for him. He said he participated in activities but preferred to spend time in his room improving his English.

He said he experiences headaches after being in detention for so long and is tired because he cannot sleep as he is worried about his future. He advised he has seen medical staff about his sleeping problems and was prescribed medication but the side effects did not agree with him.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He is awaiting the outcome of judicial review.