

**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 1002098 was tabled in Parliament on 27 May 2015. 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	1985
Ombudsman ID	1002689
Date of DIBP's reports	18 June 2015, 7 December 2015 and 2 June 2016
Total days in detention	1274 (at date of DIBP's latest report)

Detention history

Since the Ombudsman's previous report (1002098), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
24 March 2015	Transferred to Wickham Point Alternative Place of Detention.
11 May 2016	Transferred to Yongah Hill IDC.

Recent visa applications/case progression

11 December 2014	Protection visa application refused.
23 December 2014	Appealed to the Refugee Review Tribunal (RRT).
6 February 2015	RRT affirmed original decision.
24 February 2015	Requested judicial review by the Federal Circuit Court (FCC).
19 March 2015	FCC affirmed original decision. The Department of Immigration and Border Protection (DIBP) advised that as Mr X has no matters before DIBP, the courts or tribunals, it is progressing his removal from Australia.
12 May 2015	DIBP lodged an emergency travel document request for Mr X with the Country A High Commission.
24 July 2015	DIBP advised that the Country A High Commission was conducting an identity check to enable it to provide Mr X with a travel document.

Health and welfare

International Health and Medical Services (IHMS) reported that Mr X continues to be monitored by a general practitioner and the mental health team for depression. He was reviewed by a psychiatrist in June 2016 and diagnosed with an adjustment disorder and anxiety relating to detention fatigue. He was prescribed with antidepressant medication and referred for psychological counselling. IHMS advised that Mr X has not required treatment for any major physical health concerns.	
15 December 2015	A DIBP Incident Report recorded that Mr X refused food and fluid.

Ombudsman assessment/recommendation

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 is on a removal pathway.

The Ombudsman notes with concern the Government's duty of care to detainees and the serious risk to mental health prolonged detention may pose. In light of Mr X's ongoing mental health concerns, the Ombudsman recommends that consideration be given to granting Mr X a Bridging visa until removal action can be progressed.