

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in restricted immigration detention for a cumulative period of more than 60 months (5 years).

The first report 863/12 was tabled in Parliament on 22 August 2012, the second report 1302/13 was tabled in Parliament on 26 June 2013 and the third report 1003205 was tabled in Parliament on 14 September 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	1981
Ombudsman ID	1000037-O
Date of DIBP's reports	9 August 2016 and 7 February 2017
Total days in detention	1822 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003205), Mr X remained at Wickham Point Alternative Place of Detention.	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

9 October 2015	Mr X's case was remitted to the Department of Immigration and Border Protection (the department) by the Federal Circuit Court for reconsideration of his protection claims to determine if his case engages Australia's <i>non-refoulement</i> obligations.
12 December 2016	Mr X's case was referred on a ministerial submission for consideration under ss 46A and 195A of the <i>Migration Act 1958</i> for the grant of a Humanitarian Stay visa and a Bridging visa.
20 January 2017	The Minister's office requested the department redraft Mr X's ministerial submission.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X received treatment and physiotherapy for a knee and hip injury.</p> <p>IHMS further advised that Mr X reported a history of torture and trauma for which he attended specialist counselling and engaged with the mental health team. Mr X reported ongoing nightmares, low mood and concerns about his future. In November 2016 Mr X was assessed by a psychiatrist who noted that prolonged detention was likely to exacerbate Mr X's depressive disorder and adjustments were made to his anti-depressant medication. A follow up appointment with a psychiatrist was recommended for early 2017.</p>

Ombudsman assessment/recommendation

Mr X has been found not to be owed protection under the Refugee Convention and has been held in restricted detention for more than five years. The department advised that reassessment of Mr X's protection claims is progressing.

The Ombudsman notes with concern the Government's duty of care to immigration detainees and the serious risk to mental and physical health that prolonged restricted immigration detention may pose. The Ombudsman further notes with concern both Mr X's history of self-harm, depression, anxiety and situational stress and advice from a psychiatrist in November 2016 that Mr X's condition is likely to be exacerbated by prolonged restricted detention.

The Ombudsman recommends that the consideration for the grant of a Bridging visa be expedited and Mr X be considered for a community detention placement.