

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 1232/13 was tabled in Parliament on 26 June 2013. 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	1983
Ombudsman ID	1002193
Date of DIBP's reports	13 January 2015, 13 July 2015 and 11 January 2016
Total days in detention	1,278 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1232/13), Mr X remained at Facility B.	
21 June 2012	Granted a Bridging visa and released from detention.
21 August 2014	Re-detained under s 189(1) of the <i>Migration Act 1958</i> and transferred to Facility C.

Recent visa applications/case progression

21 June 2012	The former Minister intervened under s 195A to grant Mr X a Bridging visa.
18 January 2014	Mr X's Bridging visa ceased and he remained in the community as an unlawful non-citizen.
3 February 2014	Found to be owed protection under the Refugee Convention.
21 August 2014	The Department of Immigration and Border Protection (DIBP) advised that he was re-detained because his Bridging visa had ceased. On the same day he was charged with a criminal offence.
13 January 2015	DIBP advised that Mr X's case had been put on hold pending the resolution of his criminal matter which was dismissed on 7 January 2015. DIBP further advised that Mr X was awaiting the outcome of health, security and character checks.
27 March 2015	Mr X was issued with a non-prejudicial security assessment by an external agency.
30 June 2015	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
10 July 2015	DIBP invited Mr X to lodge a temporary visa application.
3 September 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.

15 October 2015	Mr X's case was referred on a first stage submission for consideration under s 195A for the grant of a Bridging visa.
11 November 2015	The Minister declined to consider a further ministerial intervention submission for Mr X.

Criminal matters

21 August 2014	Mr X was charged with offence L.
8 September 2014	He appeared in the Q District Court. The matter was adjourned until 7 January 2015.
7 January 2015	The criminal charge was dismissed.

Health and welfare

21 August 2014 – 19 December 2014	International Health and Medical Services (IHMS) advised that when Mr X was re-detained he was assessed to be at high risk of self-harm and was provided with ongoing support. His mood and symptoms had since improved and he was monitored and provided with support.
26 August 2014	A DIBP Incident Report recorded that Mr X attended a consultation with the IHMS mental health team (MHT) and was placed on Supportive Monitoring and Engagement observations due to concerns about self-harm.
27 November 2014 – ongoing	IHMS advised that Mr X continued to be treated for high cholesterol and he was prescribed with medication.
19 December 2014 – ongoing	IHMS advised that Mr X continued to be treated for hypertension and that it worsens under stress. He was prescribed with additional medication and continues to be monitored.
20 December 2014 – 9 December 2015	He was regularly seen by the general practitioner (GP) to monitor his hypertension, cholesterol levels and review his medication. In March 2015 his cholesterol medication was ceased and he was advised to continue diet management.
February 2015	A mental health assessment reported that Mr X had no discernible signs or symptoms of a mental illness.
16 May 2015	Admitted to hospital with chest pain. He was reviewed and discharged the same day. No concerns were reported.
10 July 2015 – 9 December 2015	IHMS reported that Mr X had no chronic or major acute mental health problems.
5 September 2015	Mr X was transferred to hospital following acute abdominal pain. He was diagnosed with a ruptured duodenal ulcer which required surgery. IHMS reported that he recovered well from the surgery and was scheduled for a specialist review.

Information provided by Mr X

During an interview with Ombudsman staff at Facility C on 3 September 2015 Mr X advised the criminal charge against him had been dropped as there was no proof of the allegations. He said he applied for a temporary visa in August 2015 and was waiting for security checks.

Mr X said he had no complaints about his detention conditions but was depressed about his situation and felt he had been treated unfairly by having to remain in restricted detention for such a long time. He said he was no longer seeing the MHT as they could not resolve his problems.

Case status

Mr X was found to be owed protection under the Refugee Convention on 3 February 2014. On 21 August 2014 he was re-detained due to a criminal charge which was dismissed on 7 January 2015. He has been held in restricted immigration detention for a cumulative period of over three years.

On 30 June 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 3 September 2015 Mr X lodged a SHEV application.