

## 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 1001750 was tabled in Parliament on 3 December 2014. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1989
<b>Ombudsman ID</b>	1002269
<b>Date of DIBP's reports</b>	11 February 2015, 28 July 2015, 20 January 2016 and 21 July 2016
<b>Total days in detention</b>	1458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001750), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
20 March 2015	Transferred to Casuarina Prison Alternative Place of Detention due to his alleged involvement in protest activity.
15 April 2015	Transferred to Villawood IDC.
5 August 2015	Transferred to Christmas Island IDC.

### Recent visa applications/case progression

23 July 2014	The Refugee Review Tribunal (RRT) remitted Mr X's case to the Department of Immigration and Border Protection (DIBP) for reconsideration with direction that Mr X is owed protection obligations under the Refugee Convention.
28 July 2015	DIBP advised that Mr X had an outstanding identity assessment and an ongoing police investigation into his alleged involvement in protest activity while at Yongah Hill IDC. DIBP further advised that his Protection visa application was not being progressed until these matters were finalised.
8 January 2016	DIBP invited Mr X to comment on information related to his identity.
20 January 2016	DIBP advised that the matter concerning Mr X's alleged involvement in protest activity at Yongah Hill IDC had been finalised. However, DIBP further advised that the Australian Federal Police (AFP) confirmed that Mr X was a person of interest and the subject of an ongoing investigation in relation to a major disturbance at Christmas Island IDC between 8 to 10 November 2015.
27 January 2016	Mr X provided a response to DIBP's request of 8 January 2015 to comment on information relevant to his identity.

29 February 2016	He provided further information to DIBP in relation to his identity documents.
21 July 2016	DIBP advised that while Mr X was no longer a person of interest to the AFP in relation to the disturbance at Christmas Island IDC in November 2015, he is now a person of interest in relation to an incident which occurred at Christmas Island IDC in June 2016.  DIBP further advised that processing of Mr X's protection claims has commenced and security and character assessments have been initiated.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to be monitored by the mental health team for ongoing stress related to his time in detention and because of his history of self-harm. IHMS reported that Mr X has not required treatment for any major physical or mental health issues since 22 December 2014, and a mental health review in April 2016 assessed that he continued to show no signs of deterioration in mood or sleep patterns.

### Recent detention incidents

8 June 2014	A DIBP Incident Report recorded that Mr X had self-harmed by cutting himself with a razor. No further information was provided.
20 March 2015	DIBP advised that Mr X was allegedly involved in protest activity at Yongah Hill IDC involving aggressive and abusive behaviour towards Serco officers, damage to property and self-harm. The matter was referred to the AFP.  On 20 January 2016 DIBP advised that this matter had been finalised.
24 June 2015	The Victorian Police notified DIBP that in relation to an alleged incident which occurred in community detention on 11 March 2013 there was insufficient evidence and there would be no further investigation into the alleged incident of assault which occurred when Mr X was residing in community detention.
8 – 10 November 2015	DIBP advised that Mr X was allegedly involved in a major disturbance at Christmas Island IDC and had been the subject of ongoing investigation by the AFP, which has since been finalised.
12 June 2016	A DIBP Incident Report recorded that Mr X was involved in an onsite demonstration where he climbed on the roof of the detention facility as a form of protest. DIBP advised Mr X is a person of interest to the AFP in relation to this incident.

### **Ombudsman assessment**

Mr X has been in immigration detention for more than three and a half years. On 23 July 2014 the RRT remitted Mr X's case for the second time with direction that he is a person to whom Australia has protection obligations under the Refugee Convention.

DIBP advised on 21 July 2016 that processing of Mr X's protection claims has commenced.

The Ombudsman notes that DIBP also advised that Mr X is a person of interest to the AFP because of his alleged involvement in a disturbance at Christmas Island IDC on 12 June 2016.

The Ombudsman makes no recommendations in this report.