

**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 1003029 was tabled in Parliament on 31 August 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	1981
Ombudsman ID	1001805-O
Date of DIBP's reports	25 February 2016 and 24 August 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003029), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).

Recent visa applications/case progression

6 November 2015	Mr X was invited to lodge a Temporary Protection visa or Safe Haven Enterprise visa (SHEV) application.
22 February 2016	Mr X was notified that he was eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application.
25 February 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X remains a person of interest.
22 April 2016	Lodged a SHEV application.
10 June 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
9 August 2016	SHEV application refused.
16 August 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.

Other legal matters

28 March 2016	Mr X was referred to Northern Territory Police for allegedly assaulting a Serco officer.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continues to display chronic nasal congestion as a result of a nasal polyp. He has been prescribed medication to alleviate his discomfort and was referred for specialist review in September 2014. IHMS advised that Mr X was unable to attend an allocated specialist appointment because he was transferred to another detention facility. He was re-referred to a specialist in Darwin in August 2015, but was not allocated an appointment before his transfer to Yongah Hill IDC in June 2016. A further specialist referral has been made for Mr X in Perth and he is awaiting confirmation of an appointment date.	
15 December 2015	A DIBP Incident Report recorded Mr X refused food and fluid. IHMS advised that Mr X was monitored until cessation.

Recent detention incidents

28 March 2016	A DIBP Incident Report recorded Mr X allegedly assaulted a Serco officer.
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Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 20 April 2016 Mr X reported feeling depressed and tense. He claimed that he had been waiting for six months to receive treatment for a nasal condition. He also stated he had no knowledge about his immigration status. Following the interview with Mr X, Ombudsman staff requested that DIBP provide him with an explanation of his immigration status.
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Ombudsman assessment/recommendation

<p>Mr X was detained on 25 February 2013 after arriving in Australia by sea and has been held in restricted detention for more than three and a half years.</p> <p>Mr X lodged a SHEV application on 22 April 2016 which was refused on 9 August 2016. His case has been referred to the IAA for review.</p> <p>The Ombudsman notes that Mr X has been awaiting a specialist appointment for his nasal condition for over two years. The Ombudsman notes with concern the advice from IHMS indicating that Mr X has had to be re-referred to a new specialist twice as a result of his transfer between detention facilities.</p> <p>In light of the impact these transfers have had on Mr X's timely access to healthcare, the Ombudsman recommends that DIBP follow up with IHMS to ensure that Mr X is allocated a specialist appointment as soon as possible and that any pending medical appointments are taken into account when making placement decisions for Mr X.</p>
