

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X who has remained in immigration detention for more than 48 months (four years).

The first report 1001158 was tabled in Parliament on 18 June 2014 and the second report 1001785 was tabled in Parliament on 18 March 2015. 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	1002236
Date of DIBP's reports	11 February 2015 and 11 August 2015
Total days in detention	1,461 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001785), Mr X has remained in community detention.	
1 September 2014	Following Mr X's refusal to interact with the Department of Immigration and Border Protection's (DIBP) case management staff, his community detention placement was revoked under s 197AD of the <i>Migration Act 1958</i> . He was transferred to Maribyrnong Immigration Detention Centre (IDC).
9 September 2014	Transferred to Wickham Point IDC.
9 January 2015	Transferred to Wickham Point Alternative Place of Detention (APOD). ¹

Recent visa applications/case progression

18 December 2014	Mr X was found not to be owed protection through a Protection Obligations Evaluation.
11 February 2015	DIBP advised that prior to being transferred from community detention to restricted detention on 1 September 2014, Mr X was being considered for the grant of a Bridging visa. However, he refused to have contact with DIBP staff concerning this process.
11 August 2015	DIBP advised that Mr X has no ongoing matters before DIBP, the courts or tribunals and had verbally requested removal from Australia. However, he had not provided the appropriate identity documents in order to progress removal.

¹ DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X is accommodated in the single adult male compound at Wickham Point APOD.

Health and welfare

15 August 2014 – 17 March 2015	<p>International Health and Medical Services (IHMS) noted that in 2012 Mr X was transferred to community detention following his psychiatrist's recommendation that he be transferred to the community. Mr X had been diagnosed with depression and anxiety.</p> <p>IHMS advised that since Mr X was returned to restricted detention he had expressed frustration about his situation and had declined support and treatment from psychology services. IHMS reported that it had encouraged Mr X to see the mental health team (MHT) and continued to offer support despite him declining such offers.</p>
23 March 2015 – ongoing	<p>Referred to the MHT after he informed his case manager that he was unable to tolerate detention and wanted to be killed. IHMS advised that he declined to attend several sessions with the MHT and had refused offers of support.</p>
24 March 2015	<p>Transferred to the hospital emergency department after he experienced severe gastric symptoms. He was discharged the following day after refusing several tests for possible gastroenteritis. He was provided with medication and attended a follow-up physical examination by the IHMS general practitioner (GP).</p>
26 March 2015	<p>He presented to the GP again with abdominal pain and shortness of breath. He was prescribed with medication to alleviate his symptoms and no further health problems were reported.</p>

Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Ombudsman assessment

Mr X has been found not to be owed protection under the Refugee Convention and complementary protection criterion. DIBP advised he has no ongoing matters before DIBP, the courts or tribunals and has requested removal from Australia.

The Ombudsman notes that until Mr X has provided the appropriate identity documents his removal from Australia cannot be progressed.

The Ombudsman further notes that IHMS has raised concerns about Mr X's mental health and that it continues to monitor Mr X's health and offer support despite him continuing to decline any support. The Ombudsman makes no recommendations in this report.