

**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 42 months (three and a half years).

The first report 1002725 was tabled in Parliament on 15 April 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	1980
Ombudsman ID	1001534-O
Date of DIBP's reports	10 June 2016 and 9 December 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002725), Mr X remained at Wickham Point Alternative Place of Detention.	
30 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

13 May 2016	Mr X was invited to respond to a Notice of Intention to Consider Refusal (NOICR) of his Partner visa application under s 501 of the <i>Migration Act 1958</i> .
10 June 2016	The Department of Immigration and Border Protection (the department) advised that Mr X's case was referred to the Visa Applicant Character Consideration Unit for consideration to refuse his Partner visa application under s 501 in relation to his offshore criminal convictions.
9 November 2016	Found not to meet the guidelines for referral to the Minister under ss 195A or 197AB.
9 December 2016	The department advised that Mr X had not responded to the NOICR and that his fourth extension to provide a response expired on 7 November 2016.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X attended counselling sessions and received ongoing support from the mental health team for the management of anxiety associated with separation from his wife and family in Melbourne and uncertainty about his future. A psychologist reported on 24 March 2016 that his mental state is likely to deteriorate with prolonged separation from his family. He has been assessed as low risk and is aware of the self-referral process.

Other matters

9 December 2016	The department advised that Mr X's wife and extended family reside in Melbourne and his brother resides in Adelaide.
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Ombudsman assessment/recommendation

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of the department's latest review he was awaiting the outcome of his Partner visa application.

The Ombudsman notes the advice from a psychiatrist in March 2016 that Mr X's mental state is likely to deteriorate with prolonged separation from his family.

In light of this advice, the Ombudsman recommends that consideration be given to placing Mr X in a detention facility closer to his family.