

## 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 restricted immigration detention for a cumulative period of more than 48 months (four years).

The first report 1002267 was tabled in Parliament on 12 August 2015 and the second report 1002811 was tabled in Parliament on 14 September 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1968
<b>Ombudsman ID</b>	1001254-O
<b>Date of DIBP's reports</b>	15 June 2016 and 14 December 2016
<b>Total days in detention</b>	1458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002811), Mr X has remained at Facility B.
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### Recent visa applications/case progression

25 May 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for grant of a Bridging visa.
15 June 2016	The Department of Immigration and Border Protection (the department) advised that Mr X had been identified as a person of interest in relation to criminal matters offshore.
14 November 2016	Safe Haven Enterprise visa (SHEV) application refused on the basis that Mr X was not owed protection because he had committed a serious non-political crime before entering Australia. This superseded the Protection Obligations Evaluation of 8 May 2012 which had found he was owed protection.
9 December 2016	Appealed to the Administrative Appeals Tribunal.
14 December 2016	The department advised that since its report of 15 June 2016 Mr X had provided additional aliases and its enquiries to other countries regarding offshore criminal matters had resulted in the receipt of additional alias and identity information.

## **Health and welfare**

International Health and Medical Services advised that Mr X received treatment for previously diagnosed anxiety. He was also noted to be showing signs of severe detention fatigue as well as frustration and depressive symptoms. On 16 February 2016 he was identified as a 'client of concern' and monitored through the Psychological Support Program.

On 20 May 2016 during a routine mental health review it was noted that Mr X continued to exhibit symptoms of detention fatigue including lowered mood, poor sleep and irritability. He declined medication to alleviate these symptoms. During the same review he also disclosed a past history of torture and trauma but declined specialist counselling.

## **Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for more than four years. At the time of the department's latest review Mr X was awaiting the outcome of merits review.