

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABELING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in restricted immigration detention for more than 60 months (five years).

The first report 1001448 was tabled in Parliament on 24 September 2014, the second report 1001798 was tabled in Parliament on 18 March 2015 and the third report 1002251 was tabled in Parliament on 31 August 2016. 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	1980
Ombudsman ID	1000940-O
Date of DIBP's reports	14 August 2016 and 13 February 2017
Total days in detention	1823 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002251), Mr X remained at Melbourne Immigration Transit Accommodation.	
28 April 2016	Transferred to Maribyrnong Immigration Detention Centre.

Recent visa applications/case progression

5 July 2016	The Visa Applicant Character Consideration Unit (VACCU) invited Mr X to comment on an alleged assault incident which occurred on 27 April 2016.
14 August 2016	The Department of Immigration and Border Protection (the department) advised that Mr X's Temporary Protection visa (TPV) application continued to be under consideration by VACCU. However VACCU deferred its consideration until an ongoing criminal matter could be finalised.
10 January 2017	The Minister refused Mr X's application for a TPV under s 501 of the <i>Migration Act 1958</i> . However the Minister agreed to consider a longer term management strategy through the grant of a Bridging visa or community detention placement under ss 195A and 197AB.
9 February 2017	Mr X's case was referred on a ministerial submission for consideration under ss 195A and 197AB for the grant of a Removal Pending Bridging visa or community detention placement.

Other legal matters

9 June 2016	Mr X was charged with unlawfully assaulting another detainee on 27 April 2016. This matter was withdrawn.
3 February 2017	Mr X was charged with unlawfully assaulting another detainee on 5 January 2017. He was scheduled to appear in court in March 2017.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X continues to receive treatment and be monitored for a thyroid condition.</p> <p>IHMS further advised that Mr X received treatment and attended regular counselling sessions for the management of significant mental health concerns including insomnia, detention fatigue, depression and post-traumatic stress disorder. Mr X reported frustration with the uncertainty with his immigration status and ongoing feelings of hopelessness and was prescribed anti-depressant medication. On 29 July 2016, a psychologist reported that Mr X’s ongoing detention is likely to lead to deterioration in his mental health and recommended that he be placed in a less restrictive environment.</p>	
5 May 2016 – 2 February 2017	Incident Reports recorded that Mr X self-harmed on two occasions and threatened self-harm on a further three occasions.

Recent detention incidents

27 April 2016 and 5 January 2017	Incident Reports recorded that Mr X allegedly assaulted another detainee on two occasions.
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Ombudsman assessment/recommendation

<p>Mr X has been found to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for more than five years.</p> <p>The Ombudsman notes with concern the Government’s duty of care to detainees and the serious risk to mental and physical health prolonged detention may pose. The Ombudsman notes that Mr X has a history of significant mental health concerns and advice from a psychologist in July 2016 that his mental health is adversely affected by his prolonged detention.</p> <p>The Ombudsman recommends that priority be given to the resolution of Mr X’s immigration status and further recommends that his case be expedited for consideration of a Bridging visa or community detention placement.</p>
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