

**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 30 months (two and a half years).

The first report 1003435 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	Stateless (claimed), born in Country A of B ethnicity
Year of birth	1995
Ombudsman ID	1002162-O
Date of DIBP's report	15 March 2016
Total days in detention	912 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1003435), Mr X has remained at Facility J.	
15 March 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X's detention placement at Facility J is not appropriate and that it was considering transferring him to a suitable Alternative Place of Detention (APOD) in Melbourne to enable him to receive developmental disability care and family support. ¹

Recent visa applications/case progression

29 September 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
12 November 2015	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.
3 December 2015	Mr X accepted the PAIS assistance and was assigned a provider to assist with lodging his application. He indicated that he intended to apply for a temporary visa as part of a family unit with his mother and siblings.

¹ Mr X arrived in Australia with his mother, Ms Y, and his three siblings. His family were released from immigration detention on Bridging visas on 20 May 2015 and currently reside in Melbourne.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to experience recurrent seizures and required hospitalisation following seizures in September and November 2015. He was prescribed with medication for his condition and IHMS advised that it monitored and encouraged Mr X's compliance with his medication regime.

Mr X dislodged several teeth after falling to the ground during a seizure in September 2015. He was transferred to hospital for immediate treatment and referred for dental management to replace his missing teeth with a dental plate.

Mr X has received ongoing support from the mental health team (MHT) to manage his intellectual and developmental disabilities and resulting impulsive and challenging behaviour. DIBP Incident Reports recorded that Mr X self-harmed on one occasion by banging his head against a wall and that he threatened self-harm on multiple occasions. Mr X has regular contact with the MHT to discuss his frustration and concern about his placement at Facility J and separation from his family support. IHMS advised that the MHT has reassured Mr X that these issues are being addressed and he responds well to this reassurance.

September 2015 –
October 2015

IHMS advised that Mr X was placed on Supportive Monitoring and Engagement observations.

Recent detention incidents

DIBP Incident Reports recorded that Mr X has allegedly been involved in multiple behavioural incidents since the Ombudsman's previous report, including displaying abusive and aggressive behaviour and assaulting detention centre staff. Spontaneous use of force has been required on several occasions to prevent Mr X from harming himself and others.

Ombudsman assessment/recommendation

Mr X was detained on 15 September 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Huffman* and has been held in restricted detention for over two and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 3 December 2015 Mr X accepted the PAIS assistance and was assigned a provider to assist with lodging his application.

The Ombudsman's previous report (1003435), tabled in Parliament on 15 April 2016, recommended that Mr X be transferred to an immigration detention facility in Melbourne as soon as possible to be able to receive family support.

The Minister noted the Ombudsman's recommendation and advised that Mr X was being considered for relocation to a facility in Melbourne.

The Ombudsman notes that DIBP has identified Mr X's placement at Facility J to be inappropriate, but at the time of writing this report Mr X was still detained at Facility J.

The Ombudsman recommends that this matter be prioritised and that Mr X be transferred to a suitable APOD in Melbourne as soon as possible to enable him to receive developmental disability care and family support.