

**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 immigration detention for more than 42 months (three and a half years).

The first report 1003191 was tabled in Parliament on 31 August 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	1983
Ombudsman ID	1001947-O
Date of DIBP's reports	4 August 2016 and 2 February 2017
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003191), Mr X remained at Christmas Island Immigration Detention Centre (IDC).	
1 March 2016	Transferred to Yongah Hill IDC.
13 June 2016	Transferred to community detention.

Recent visa applications/case progression

1 April 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
14 April 2016	The Australian Federal Police advised that Mr X was no longer considered a person of interest.
27 May 2016	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to allow Mr X to reside in community detention.
8 August 2016	SHEV application refused.
11 October 2016	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X's SHEV application.
20 December 2016	Requested judicial review by the Federal Circuit Court (FCC).
2 February 2017	The Department of Immigration and Border Protection (the department) advised that Mr X is no longer considered a person of interest.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X attended psychological counselling and received treatment for multiple complex mental health conditions, including depression, insomnia and personality changes. Following his transfer to community detention, he was monitored by a general practitioner (GP) and received treatment under a Mental Health Care Plan. On 13 December 2016 a treating psychologist advised that Mr X was finding it difficult to reside in community detention in Perth given that his support network is located in Melbourne. The psychologist reported that they would support Mr X's relocation to Melbourne if requested.

IHMS further advised that Mr X received treatment for multiple physical health conditions, including a traumatic brain injury, severe headaches and recurring chest pain. He was assessed by an occupational therapist, optometrist and cardiologist and continues to be monitored by a GP.

Other matters

2 June 2016	Mr X lodged a complaint with the Ombudsman's office in relation to property lost during his detention at Christmas Island IDC. The Ombudsman's office closed the complaint on 24 October 2016 as the matter had been referred to the insurance company of the Australian Border Force for consideration.
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Ombudsman assessment/recommendation

Mr X was detained on 6 August 2013 after arriving in Australia by sea and has been held in detention for more than three and a half years.

On 1 April 2016 Mr X lodged an application for a SHEV. Mr X's SHEV application was refused on 8 August 2016 and on 11 October 2016 the IAA affirmed the refusal. On 20 December 2016 Mr X requested judicial review by the FCC.

The Ombudsman notes advice from IHMS that Mr X was finding it difficult to reside in community detention in Perth given that his support network is located in Melbourne. A treating psychologist advised that they would support Mr X's relocation to Melbourne if requested. The Ombudsman recommends that, should Mr X be in agreement, the department consider altering his community detention placement so that he can reside closer to his support network in Melbourne.