

## 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 more than 48 months (four years).

The first report 1001129 was tabled in Parliament on 19 March 2014 and the second report 1001730 was tabled in Parliament on 11 February 2015. 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>	1985
<b>Ombudsman ID</b>	1002207
<b>Date of DIBP's reports</b>	21 January 2015 and 20 July 2015
<b>Total days in detention</b>	1,460 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001129), Mr X remained at Maribyrnong Immigration Detention Centre (IDC).	
16 December 2014	Transferred to Yongah Hill IDC.
20 March 2015	Transferred to a correctional facility.
28 March 2015	Transferred to Christmas Island IDC.

### Recent visa applications/case progression

30 July 2014	A ministerial intervention submission was referred to the former Minister under s 197AB of the <i>Migration Act 1958</i> for consideration of a possible community detention placement.
16 September 2014	The former Minister declined to intervene under s 197AB.
5 March 2015	The Minister lifted the bar under s 46A to allow him to lodge a Temporary Protection visa (TPV) application.
6 May 2015	Lodged a TPV application.
16 June 2015	Mr X's case was referred to the Visa Application Character Consideration Unit (VACCU) of the Department of Immigration and Border Protection (DIBP) for consideration to refuse his TPV application under s 501.
20 July 2015	Mr X was issued with a Notice of Intention to Consider Refusal of his visa application under s 501.

## Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any major physical health issues since its previous report to the Ombudsman.	
23 July 2014 – ongoing	IHMS advised that Mr X has allegedly been involved in numerous behavioural incidents while in detention. Mr X advised that he experiences stress related to his mother's terminal illness and this has contributed to his behaviour. However, he has declined all mental health support, including periodic mental health assessments. Mr X was advised to self-refer to the mental health team as required and continues to be monitored by IHMS.

## Recent detention incidents

Since the Ombudsman's previous report Mr X has allegedly been involved in numerous incidents including threatening detention centre staff and displaying aggressive and abusive behaviour towards detention centre staff and other detainees.
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## Case status

<p>Mr X has been found to be owed protection under the Refugee Convention. However, his case was put on hold as he was convicted of a criminal offence on 12 December 2013 and received a nine-month suspended sentence.</p> <p>On 5 March 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a TPV and on 6 May 2015 Mr X lodged a TPV application.</p> <p>On 16 June 2015 Mr X's case was referred to the VACCU for consideration to refuse his TPV application under s 501.</p>
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