

**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 42 months (three and a half years).

The first report 1003088 was tabled in Parliament on 14 September 2016. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1985
<b>Ombudsman ID</b>	1001857-O
<b>Date of DIBP's report/s</b>	11 October 2016
<b>Total days in detention</b>	1276 (at date of DIBP's report)

**Recent detention history**

Since the Ombudsman's previous report (1003088), Mr X remained at Wickham Point Alternative Place of Detention.	
21 April 2016	Transferred to Brisbane Immigration Transit Accommodation.
26 August 2016	Transferred to Christmas Island Immigration Detention Centre (IDC).

**Recent visa applications/case progression**

21 July 2016	The Federal Court (FC) dismissed Mr X's appeal.
25 September 2016	Mr X requested ministerial intervention under s 417 of the <i>Migration Act 1958</i> . This request was finalised on 4 October 2016 without referral to the Minister.
11 October 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X has no ongoing matters before DIBP, the courts or tribunals, and is on an involuntary removal pathway.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X is emotionally distressed and suffers from separation anxiety after being separated from his wife and two children. In June 2016 Mr X attempted self-harm by consuming shampoo. He was placed on Supportive Monitoring and Engagement observations, but no other medical intervention was required.
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## Other matters

30 May 2016	The Australian Human Rights Commission (AHRC) issued DIBP its preliminary view, in relation to a complaint made by Mr X's wife on his behalf. DIBP provided a response to the AHRC on 4 August 2016 and on 11 August 2016 the Minister provided a response to the AHRC.
DIBP advised that Mr X's family <sup>1</sup> has been living in the community on Bridging visas, which expired on 18 August 2016. DIBP advised it is working with the family to consider their options, including voluntary removal.	

## Ombudsman assessment/recommendation

<p>Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no ongoing matters before DIBP, the courts or tribunals and is on an involuntary removal pathway.</p> <p>The Ombudsman notes with concern that Mr X was transferred to Christmas Island IDC in August 2016, away from his wife and two young children who are residing in the community in Queensland. The Ombudsman notes the advice from IHMS that Mr X's mental health has been negatively affected by being separated from his family.</p> <p>The Ombudsman recommends that consideration be given to transferring Mr X to Brisbane to be closer to his family support network.</p>
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<sup>1</sup> Mr X arrived in Australia with his wife, Ms Y and their daughter, Miss Z. Their son, Master P, was born in Australia in June 2015.