

## 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 36 months (three years).

The first report 1001738 was tabled in Parliament on 3 December 2014. 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>	1993
<b>Ombudsman ID</b>	1002253
<b>Date of DIBP's reports</b>	20 February 2015 and 22 July 2015
<b>Total days in detention</b>	1,094 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001738), Mr X remained at Curtin Immigration Detention Centre (IDC).	
28 August 2014	Transferred to Yongah Hill IDC.

### Recent visa applications/case progression

27 August 2014	The Department of Immigration and Border Protection (DIBP) advised that Mr X was no longer considered a person of interest to its National Security and Serious Crimes Reporting Team.
16 September 2014	Referred for ministerial intervention under s 195A of the <i>Migration Act 1958</i> for consideration of a Bridging visa.
17 September 2014	The former Minister declined to intervene under s 195A.
4 February 2015	Referred for ministerial intervention under s 195A.
12 February 2015	The Minister declined to intervene under s 195A.
20 February 2015	DIBP advised that the Australian Customs and Border Protection Service and the Australian Federal Police declined to prosecute Mr X in relation to the allegation he was found in possession of a prohibited material upon his arrival in Australia.
2 June 2015	Referred for ministerial intervention under s 46A. Included in this submission, the Minister was also asked to consider intervening under ss 195A and 197AB for consideration of a Bridging visa or a community detention placement.
4 June 2015	The Minister declined to intervene under ss 195A and 197AB however, the Minister lifted the bar under s 46A to allow him to lodge a Temporary Protection visa (TPV) application.
12 June 2015	DIBP invited Mr X to apply for a TPV.

## 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.	
5 August 2014 - 11 August 2014	Undertook food refusal and was closely monitored by the mental health team (MHT).
15 August 2014 and May 2015	During a mental health review it was reported that Mr X displayed mild symptoms of distress and depression as a result of his prolonged detention and uncertain future.
May 2015	The latest mental health review reported that Mr X was under severe stress.
20 July 2015	IHMS advised that Mr X declined to see the MHT, advising that it is unable to resolve his situational issues. However, he was aware of the self-referral process.

## Case status

Mr X was detained on 23 July 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Orelia* and has been held in restricted detention for over three years.

On 4 June 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a TPV and on 12 June 2015 DIBP invited Mr X to apply.