

**REPORT BY THE COMMONWEALTH AND  
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

*Under s 486O of the Migration Act 1958*

This is the fourth s 486O report on Mr X who remained in immigration detention for more than 60 months (five years).

The first report 1566/13 was tabled in Parliament on 4 December 2013, the second report 1001344 was tabled in Parliament on 1 October 2014 and the third report 1002041 was tabled in Parliament on 27 May 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>	1988
<b>Ombudsman ID</b>	1002544
<b>Date of DIBP's reports</b>	26 May 2015 and 20 November 2015
<b>Total days in detention</b>	1823 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1002041), Mr X remained at Hospital C.	
23 April 2015	Transferred to Perth Immigration Detention Centre.
6 May 2015	Transferred to Perth Immigration Residential Housing.
21 May 2015	Transferred to community detention.
22 December 2015	Granted a Bridging visa and released from detention.

**Recent visa applications/case progression**

14 January 2015	The Department of Immigration and Border Protection (DIBP) commenced an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of Mr X's case engage Australia's <i>non-refoulement</i> obligations.
23 January 2015	Mr X provided information to support the ITOA.
8 April 2015	Following referral on a ministerial submission (date not provided) the Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a Bridging visa.
22 May 2015	DIBP finalised the ITOA, determining Mr X's case engages Australia's <i>non-refoulement</i> obligations.
28 October 2015	Mr X's case was referred on a ministerial submission to lift the bar under s 46A. On 11 November 2015 the Minister declined to intervene.  On the same day a second ministerial submission was made under s 195A. On 11 November 2015 the Minister indicated he would consider intervening.
22 December 2015	Granted a Bridging visa.

## Health and welfare

International Health and Medical Services (IHMS) reported that since the Ombudsman's previous report Mr X remained in hospital for just over two months to receive treatment as a result of food and fluid refusal. He was treated in the intensive care unit and following deterioration and non-compliance he was involuntarily placed on a treatment order under the *Mental Health Act 2014*. He received psychiatric treatment and nasogastric feeding and was assessed as competent before being discharged from hospital.

IHMS advised that following discharge Mr X continued to refuse food and fluid and a week later was re-admitted to hospital for nine days. He was treated for dehydration and a major depressive disorder. When he was discharged he was transferred to community detention.

IHMS further advised that Mr X continued to receive psychiatric and psychological counselling until July 2015 and improvements in his mental health were noted with no further concerns raised.

## Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 22 December 2015 and released from immigration detention.

Mr X was detained on 19 November 2010 after arriving in Australia aboard Suspected Illegal Entry Vessel *Alinda* and was held in detention for over five years before being granted a Bridging visa.

On 22 May 2015 DIBP finalised an ITOA, determining Mr X's case engaged Australia's *non-refoulement* obligations. The Ombudsman further notes that, at the time of DIBP's review, Mr X was subject to the bar under s 46A and processing of his claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X's protection claims commence as soon as possible.