

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 1002293 was tabled in Parliament on 17 June 2015. 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	1987
Ombudsman ID	1003387
Date of DIBP's reports	29 August 2015, 29 February 2016 and 27 August 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002293), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
Date not provided by DIBP	Transferred to Wickham Point Alternative Place of Detention (APOD).
21 June 2016	Transferred to Yongah Hill IDC.

Recent visa applications/case progression

24 March 2015	Requested judicial review by the Federal Circuit Court (FCC) of the Refugee Review Tribunal's decision of 19 February 2015.
24 April 2015	The FCC dismissed the application for judicial review.
18 June 2015	The Department of Immigration and Border Protection (DIBP) lodged an application for a travel document with the diplomatic mission for Country A.
29 August 2015 and 29 February 2016	DIBP advised it was progressing Mr X's involuntary removal.
27 August 2016	DIBP advised it continued to work with the authorities of Country A to obtain a travel document to facilitate Mr X's removal from Australia.

Other matters

17 July 2015	DIBP's Document Examination Unit advised that the examination of the citizenship certificate for Country A provided by Mr X was inconclusive.
29 August 2015	DIBP advised that Mr X was previously of interest in relation to alleged international criminal matters.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X had been monitored by the general practitioner (GP) for a range of physical health issues and required specialist review. IHMS further advised that as of the 14 August 2015 all of Mr X's physical health issues were considered resolved as he had not presented with any further symptoms.

IHMS reported that while Mr X continued to decline a referral for specialist counselling to address his history of torture and trauma, for a period of time he actively participated in mental health support groups. From 13 to 24 May 2015 he was reported to have a moderate to high risk of self-harm and while he declined to see the mental health team (MHT), a mental health nurse attended his room to conduct reviews. He was referred to a psychiatrist on 27 May 2015.

In August 2015 the MHT reported that Mr X may be responding to auditory and visual hallucinations. Following difficulty with sleeping, Mr X requested a mental health review in December 2015. He was reviewed by the GP in January 2016 and reported feeling low and frustrated because of prolonged detention. He had also presented with low motivation with no interest in activities. The GP prescribed him with antidepressant medication and he was re-referred for psychiatric review.

On 26 July 2016 IHMS advised that Mr X had been noted as displaying possible psychotic features at times and his medication was adjusted accordingly. IHMS stated he currently had a working diagnosis of major depressive disorder, melancholic type with possible psychotic features. However, the IHMS psychiatrist continued to investigate this diagnosis. Mr X was said to be intermittently non-compliant with his mental health medication and was followed up weekly by the MHT.

13 May 2015	A DIBP Incident Report recorded that Mr X threatened to kill himself during an interview.
7 June 2016	The IHMS psychiatrist advised it was unlikely that Mr X would be able to manage living in the community.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 20 April 2016 Mr X stated he is aware that he is on a removal pathway and had sought assistance from Legal Aid.

Mr X was indifferent to the state of his health. He said his memory was deteriorating day by day, and sometimes he felt quite depressed, but was satisfied with the healthcare he has received.

Mr X stated that he had no concerns about the detention facilities but he did feel that he was mistreated by a particular group of Serco officers. He said that on two occasions detainees had protested about their treatment by abstaining from meals in the dining room.

Mr X advised he was not in contact with his family and the only external contact he has is with a refugee advocacy group and Legal Aid.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no matters before DIBP, the courts or tribunals and has been referred for removal action.