

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 immigration detention for more than 54 months (four and a half years).

The first report 1000881 was tabled in Parliament on 19 March 2014 and the second report 1001703 was tabled in Parliament on 18 March 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1966
Ombudsman ID	1002547
Date of DIBP's report	11 June 2015 ¹
Total days in detention	1,656 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1001703), Mr X was transferred from Yongah Hill Immigration Detention Centre to Wickham Point Alternative Place of Detention² (date of transfer not provided).

Recent visa applications/case progression

19 January 2015	Mr X withdrew his application for an injunction, to prevent his removal from Australia, lodged with the Federal Circuit Court on 11 March 2014.
24 April 2015	The Department of Immigration and Border Protection (DIBP) found that Mr X's case was not affected by the judgment in <i>Minister for Immigration and Citizenship v SZQRB</i> . ³
11 June 2015	DIBP advised that it has not yet made a decision on the International Treaties Obligations Assessment (ITOA) which was commenced in June 2014.

¹ DIBP's 54 month review on Mr X was due in May 2015. DIBP advised that the delay in provision of this review was due to a system failure.

² DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X is accommodated in the single adult male compound at Wickham Point APOD.

³ DIBP previously advised the Ombudsman's office on 22 July 2014 and 27 November 2014 that Mr X's case was affected by *Minister for Immigration and Citizenship v SZQRB* [2013] FCAFC 33.

Health and welfare

19 January 2015	Mr X was diagnosed by a psychiatrist with major depression. International Health and Medical Services (IHMS) noted that he had presented to the psychologist with signs of 'detention fatigue' due to his prolonged detention. The psychiatrist prescribed Mr X with antidepressant medication.
26 March 2015	He asked that his antidepressant medication be ceased because it made him feel drowsy.
15 May 2015	Mr X was referred for a diabetic eye assessment by the general practitioner and he was awaiting an appointment at the time of its report. IHMS advised that his diabetes is being well managed.
4 June 2015	<p>IHMS advised that Mr X had regularly attended appointments with a psychologist. However, he has started to decline to attend appointments scheduled with the mental health team. IHMS stated that it was monitoring Mr X's mental state and he is aware of the self-referral process.</p> <p>In relation to his blood pressure, IHMS advised that this is stable and he is compliant with medication. He remains on the waiting list to see a podiatrist about his congenital right lower limb condition.</p>

Ombudsman assessment/recommendation

Mr X has been found not to be owed protection under the Refugee Convention. He has no outstanding matters before the court and is awaiting the outcome of the ITOA which was commenced in June 2014.

Given the length of time that has passed since the ITOA was commenced, the Ombudsman recommends that the ITOA be progressed as soon as possible.