

**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 immigration detention for a cumulative period of more than 42 months (three and a half years).

The first report 1003048 was tabled in Parliament on 31 August 2016. 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	1984
Ombudsman ID	1001816-O
Date of DIBP's reports	25 June 2016 and 10 January 2017
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003048), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
3 November 2016	Transferred to Christmas Island IDC.

Recent visa applications/case progression

18 February 2016	Mr X was notified that he was eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a new temporary visa application or providing supporting information for his existing application. He accepted the offer on 24 February 2016 and was assigned a provider.
26 May 2016	Mr X withdrew his Safe Haven Enterprise visa (SHEV) application and lodged a Temporary Protection visa (TPV) application.
8 November 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
13 December 2016	The Department of Immigration and Border Protection (the department) issued Mr X a Notice of Intention to Consider Refusal (NOICR) of his TPV application under s 501.
22 December 2016	The department granted Mr X an extension until 21 January 2017 to respond to the NOICR.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has been treated for a knee ligament tear, a fractured ankle, and back and heel pain. He was referred for an orthopaedic review of his knee injury but was transferred to Christmas Island IDC before an appointment was scheduled. Upon transfer he was referred for a magnetic resonance imaging scan and was prescribed with anti-inflammatory medication.

IHMS advised that Mr X has an extensive history of mental health concerns and is monitored by the mental health team and a psychiatrist for the management of anxiety, depression, adjustment and impulse control disorder and post-traumatic stress disorder. A routine mental health assessment in December 2015 identified no concerns or risks and a further assessment in October 2016 reported no significant concerns and an improvement in his mood and sleep. He reported ongoing frustration with his detention circumstances and continuing concerns about his children who live in Sydney.

24 February 2016

An Incident Report recorded that Mr X threatened self-harm after receiving negative news from his case manager.

Case status

Mr X was detained on 25 June 2013 after arriving in Australia by sea and has been held in detention for a cumulative period of more than three and a half years.

On 24 February 2016 Mr X accepted the PAIS assistance and was assigned a provider to assist with lodging his application. On 26 May 2016 Mr X withdrew his SHEV application and lodged a TPV application.

On 13 December 2016 the department issued Mr X a NOICR of his TPV application under s 501 and at the time of reporting he had not yet responded to the notice.