

## 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 has remained in immigration detention for more than 78 months (six and a half years).

The first report 851/12 was tabled in Parliament on 4 December 2013, the second report 1001237 was tabled in Parliament on 29 October 2014 and the third report 1001908 was tabled in Parliament on 9 September 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>	Stateless (claimed), born in Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1003456
<b>Date of DIBP's reports</b>	26 September 2015, 4 April 2016 and 24 September 2016
<b>Total days in detention</b>	2368 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001908), Mr X remained at Wickham Point Alternative Place of Detention.	
19 September 2015	Transferred to Christmas Island Immigration Detention Centre.

### Recent visa applications/case progression

25 June 2015	Protection Obligations Evaluation found he was not owed protection.
4 April 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X has no matters before DIBP, the courts or tribunals and is on a removal pathway.
31 August 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for consideration to grant a Bridging visa.

### Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X has a history of complex mental health concerns including anxiety, depression and self-harm. On 19 May 2015 he was assessed by the general practitioner (GP) following a panic attack and his medication was reviewed. IHMS advised that since June 2015 Mr X has declined mental health support.</p> <p>IHMS further advised that Mr X received treatment for multiple physical health concerns including hepatitis C, nasal abnormalities and a skin condition. He was reviewed by an ear, nose and throat specialist and placed on a hospital waiting list for a surgical procedure and referred for surgical review following recurring skin infections. His condition continues to be monitored by the GP.</p>	
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### Recent detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in multiple behavioural incidents, including displaying aggressive and abusive behaviour towards detention centre staff.	
16 November 2015	A DIBP Incident Report recorded that Mr X allegedly behaved aggressively and inappropriately towards a Serco officer.

### Ombudsman assessment/recommendation

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 is on a removal pathway.

The Ombudsman notes that Mr X's removal is likely to be protracted given the nature of his citizenship claims.

The Ombudsman notes the Government's duty of care to immigration detainees and the serious risk to mental and physical health that prolonged restrictive immigration detention may pose. The Ombudsman further notes with concern that Mr X has a documented history of mental health concerns related to his protracted detention.

In light of this, and the length of time Mr X has remained in restricted immigration detention, the Ombudsman recommends that consideration be given to placing Mr X in community detention until removal action can be progressed.