

**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 restricted immigration detention for more than 48 months (four years).

The first report 1002017 was tabled in Parliament on 12 August 2015 and the second report 1002859 was tabled in Parliament on 31 August 2016. 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	1988
Ombudsman ID	1001647-O
Date of DIBP's reports	4 May 2016 and 10 November 2016
Total days in detention	1458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002859), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
16 June 2016	Transferred to Melbourne Immigration Transit Accommodation.

Recent visa applications/case progression

22 December 2015	Lodged a Safe Haven Enterprise (SHEV) visa application.
29 February 2016	Mr X was notified that he is 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 29 February 2016 and was assigned a PAIS provider.
3 May 2016	Submitted further information in support of the SHEV application.
11 May 2016	The Minister indicated he was not inclined to consider Mr X's case for intervention under s 195A of the <i>Migration Act 1958</i> .
5 August 2016	The Department of Immigration and Border Protection (the department) requested additional information from Mr X in respect of the SHEV application. Mr X responded on 5 September 2016.
5 September 2016	Mr X's case was identified for assessment against the s 195A guidelines for possible referral to the Minister. On 10 November 2015 the department advised that the matter remained ongoing.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X had been monitored in accordance with state policy as he had a previous tuberculosis contact history. He showed no infective symptoms and the issue was now considered resolved. IHMS advised that Mr X also had been awaiting an appointment scheduled for 5 October 2016 with a specialist for a medical condition. In the meantime the condition was being monitored by the IHMS general practitioner and he was receiving pain relief medication as required.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 18 April 2016 Mr X advised that he was unhappy due to being confined in restricted detention and described this as like being locked in a cage like an animal.

He advised he had constant tension headaches but was only provided with paracetamol for this which did not work. He asked why he could not be prescribed with something stronger.

He referred to a medical matter requiring specialist referral and stated this had been delayed due to being transferred between detention facilities.

Mr X advised he communicated with his family in Country A every month or so.

Ombudsman assessment/recommendation

Mr X was detained on 13 November 2012 after arriving in Australia by sea and has been held in restricted detention for more than four years.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 22 December 2015 Mr X lodged an application for a SHEV and he was subsequently assigned a PAIS provider to assist to assist him with lodging a new temporary visa application or providing supporting information for his existing application.

The Ombudsman notes that Mr X has been identified for assessment against the guidelines for referral to the Minister under s 195A. The Ombudsman recommends that given the length of time that Mr X has spent in restricted detention, this matter be expedited if it has not already been finalised.