

## 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 restricted immigration detention for more than 66 months (five and a half years).

The first report 1198/13 was tabled in Parliament on 13 November 2013, the second report 1001249 was tabled in Parliament on 27 August 2014 and the third report 1001921 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.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1976
<b>Ombudsman ID</b>	1002390
<b>Date of DIBP's reports</b>	13 April 2015 and 6 October 2015
<b>Total days in detention</b>	2,006 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001921), Mr X has remained at Melbourne Immigration Transit Accommodation.

### Recent visa applications/case progression

9 October 2014	The former Minister declined to intervene under s 195A or s 197AB of the <i>Migration Act 1958</i> to grant a Bridging visa or approve a community detention placement for Mr X.
26 November 2014	Mr X received a qualified security assessment from the Australian Security Intelligence Organisation (ASIO).
13 April 2015	The Department of Immigration and Border Protection (DIBP) advised that new information had come to light in relation to Mr X's protection claims after he had been found to be owed protection following an Independent Merits Review. DIBP stated that it had determined that reassessment of his protection claims was warranted and it was preparing a submission for the Minister to consider lifting the bar under s 46A to allow Mr X to lodge a Temporary Protection visa (TPV) application.
29 April 2015	Mr X's case was referred on a ministerial submission for consideration under s 46A to lift the bar to allow him to lodge a valid TPV application.
13 May 2015	The Minister lifted the s 46A bar allowing Mr X to lodge a valid application for a TPV.
28 May 2015	DIBP invited Mr X to apply for a TPV.
28 August 2015	Mr X's case was referred on a ministerial submission for consideration under s 46A to lift the bar to allow him to lodge a valid Safe Haven Enterprise visa (SHEV) application.

31 August 2015	Lodged a TPV application.
22 September 2015	The Minister lifted the s 46A bar allowing Mr X to lodge a valid application for a SHEV.
28 September 2015	DIBP invited Mr X to apply for a SHEV.

### Health and welfare

22 October 2014 – 1 May 2015	International Health and Medical Services (IHMS) advised that Mr X was prescribed with antidepressant medication but documentation indicated non-compliance.
9 March 2015	IHMS advised it attempted a mental health review with Mr X who reported he was thinking about his past decisions and was eager to see his family in the near future. He also exhibited symptoms of insomnia and depression related to prolonged detention. Weekly appointments were planned but Mr X declined to attend further mental health reviews.
2 May 2015 – 4 September 2015	IHMS advised that it conducted mental health outreach with Mr X on a weekly basis.  IHMS further advised that Mr X's previous mental health issues could be exacerbated by prolonged detention and uncertainty about his future.

### Ombudsman assessment/recommendation

Mr X was detained on 9 April 2010 and was found to be owed protection in July 2011. He has been held in restricted detention for over five and a half years.

The Ombudsman notes that Mr X was subject to an unresolved security assessment until 26 November 2014, when he received a qualified security assessment.

On 12 May 2015 the Minister lifted the bar under s 46A and on 31 August 2015 Mr X lodged a TPV application. On 22 September 2015 the Minister lifted the bar under s 46A and on 28 September 2015 DIBP invited Mr X to apply for a SHEV.

In light of the length of time Mr X has been detained, the Ombudsman recommends that he be considered for a Bridging visa while he awaits the outcome of his temporary visa application.