

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

The first report 1002781 was tabled in Parliament on 29 April 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Stateless (claimed), born in Country A
Year of birth	1977
Ombudsman ID	1001581-O
Date of DIBP's reports	14 June 2016 and 13 December 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002781), Mr X remained at Wickham Point Alternative Place of Detention.	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).

Recent visa applications/case progression

18 April 2016	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
22 April 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on the same day and was assigned a provider.
10 May 2016	Referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa. On the following day the Minister declined to intervene.
14 June 2016	The Department of Immigration and Border Protection (the department) advised that Mr X remains a person of interest in relation to self-disclosed involvement in a criminal matter while offshore.
26 August 2016	Lodged a Temporary Protection visa (TPV) application.
7 December 2016	TPV application refused.
12 December 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X required emergency hospital treatment following refusal of food and fluid for a duration of 43 days as a form of protest. He was closely monitored by IHMS and regularly reviewed by a psychiatrist during this period with no mental health conditions identified.</p> <p>Mr X was scheduled for an ophthalmology review of his vision impairment which was cancelled following his transfer to Yongah Hill IDC. He was reviewed by a general practitioner and a new optometry referral was issued. An appointment remains outstanding. Mr X reported lower back pain and was prescribed with medication and referred to physiotherapy.</p> <p>IHMS further advised that Mr X was prescribed with medication and attends regular mental health reviews for an adjustment disorder and symptoms associated with grief.</p>	
15 and 25 December 2015	Incident Reports recorded that Mr X refused food and fluid as a form of protest.
16 and 17 December 2015 and 7 February 2016	Incident Reports recorded that Mr X was transferred to hospital for emergency treatment.

Other matters

1 February 2016	The department received a complaint from the Australian Human Rights Commission on behalf of Mr X. The department provided responses on 19 April 2016, 19 August 2016 and 22 November 2016. The matter remains ongoing.
25 May 2016	Mr X lodged a complaint with the Ombudsman's office. Following an investigation, the complaint was finalised on 2 August 2016.

Case status

<p>Mr X was detained on 16 June 2013 after arriving in Australia by sea and has been held in restricted detention for more than three and a half years.</p> <p>On 18 April 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 26 August 2016 Mr X lodged an application for a TPV.</p> <p>Mr X's TPV application was refused on 7 December 2016 and on 12 December 2016 his case was referred to the IAA for review.</p>
