

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X who has remained in restricted immigration detention for a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1988
Ombudsman ID	1002420-O
Date of DIBP's reports	27 May 2016 and 25 November 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

11 May 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 329 <i>Hagley</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
13 May 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
2 June 2012	Transferred to Wickham Point APOD.
29 June 2012	Transferred to Curtin IDC.
13 September 2012	Granted a Bridging visa and released from detention.
30 September 2014	Re-detained under s 189(1) upon expiry of his fourth Bridging visa and transferred to Villawood IDC.
3 October 2014	Transferred to Wickham Point APOD.
7 July 2016	Transferred to Villawood IDC.

Visa applications/case progression

19 June 2012	The Minister lifted the bar under s 46A to allow Mr X to lodge a valid visa application.
26 August 2012	Lodged a Protection visa application.
13 September 2012 – 18 August 2014	Mr X was granted four Bridging visas following ministerial intervention under s 195A. His final Bridging visa ceased on 29 September 2014 and he was re-detained under s 189(1) the following day.
30 November 2012	Protection visa application refused.
10 December 2012	Appealed to the Refugee Review Tribunal (RRT).
9 May 2013	RRT affirmed original decision.
27 May 2016	The Department of Immigration and Border Protection (the department) advised that Mr X has no outstanding matters before the department, courts or tribunals and is on a removal pathway.

25 November 2016	The department advised that Mr X's removal is likely to be protracted.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X received treatment for chronic back pain and deteriorating vision and an eye condition which requires annual ophthalmology reviews and awaits an appointment for cataract surgery.</p> <p>IHMS further advised that Mr X has been placed on Supportive Monitoring and Engagement observations multiple times following self-harm incidents. He attended a routine mental health assessment in March 2016 and the IHMS psychiatrist reported that Mr X displayed signs of a personality disorder and was advised to engage with the mental health team regularly.</p>	
19 January 2015 and 16 February 2015	An Incident Report recorded that Mr X refused food and fluid as a form of protest.
21 January 2015 – 9 January 2016	An Incident Report recorded that Mr X threatened self-harm on three occasions and self-harmed on a further four occasions requiring emergency hospital treatment on one occasion.

Other matters

<p>The department advised that Mr X is married to Ms Y who arrived in Australia by sea on 27 April 2013. Ms Y is residing in the community on a Bridging visa.</p>
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Ombudsman assessment/recommendation

<p>Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no outstanding matters before the department, courts or tribunals and has been referred for removal action.</p> <p>The Ombudsman notes that Mr X's removal is likely to be protracted. The Ombudsman also notes with concern that Mr X has significant mental health concerns.</p> <p>The Ombudsman notes the Government's duty of care to immigration detainees and the serious risk to mental and physical health that prolonged indefinite restricted immigration detention may pose. The Ombudsman recommends that consideration be given for a community detention placement where Mr X will have the support of his wife, until removal action can be progressed.</p>
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