

**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 36 months (three years).

The first report 1003220 was tabled in Parliament on 15 April 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1988
Ombudsman ID	1001970-O
Date of DIBP's reports	11 February 2016 and 11 August 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003220), Mr X has remained at Christmas Island Immigration Detention Centre (IDC).

Recent visa applications/case progression

25 August 2015	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
17 December 2015	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 18 December 2015 and was assigned a PAIS provider.
29 February 2016	Lodged a Safe Haven Enterprise visa (SHEV) application
26 July 2016	The Department of Immigration and Border Protection (DIBP) requested additional information from Mr X in relation to his SHEV application.

Other legal matters

29 July 2016	Mr X appeared by video-link before a Magistrates Court and pleaded not guilty to charges related to his involvement in two disturbances at Christmas Island IDC. DIBP advised that a trial was scheduled for 28 October 2016.
--------------	---

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for complex mental health concerns, including behavioural issues and a history of self-harm and suicidal ideation. In August 2015 and November 2015 Mr X was placed on Supportive Monitoring and Engagement observations after attempting suicide and expressing suicidal thoughts. On 4 May 2016 Mr X expressed thoughts of self-harm related to his immigration status and reports of self-harm at Nauru Regional Processing Centre. IHMS advised that he declined mental health support but is aware of the self-referral process.

IHMS further advised that Mr X was prescribed with medication after presenting with recurring headaches and insomnia. On 4 July 2016 the general practitioner advised that the headaches were likely related to Mr X's psychological issues.

26 August 2015	A DIBP Incident Report recorded that Mr X refused food and fluid.
19 October 2015	A DIBP Incident Report recorded that Mr X self-harmed by cutting himself with a razor blade.

Recent detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in multiple behavioural incidents, including displaying abusive and aggressive behaviour towards detention centre staff.

Ombudsman assessment/recommendation

Mr X was detained on 13 August 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Jasper* and has been held in restricted detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 29 February 2016 Mr X lodged a SHEV application.

The Ombudsman notes with concern Mr X's significant history of self-harm and suicidal ideation and the reported impact prolonged restricted detention is having on his mental and physical health. In light of these concerns, the Ombudsman recommends that consideration be given to placing Mr X in community detention while he awaits the outcome of his SHEV application.