

**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 a cumulative period of more than 36 months (three years).

The first report 1002242-O was tabled in Parliament on 14 September 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	1992
Ombudsman ID	1002242-O1
Date of DIBP's reports	30 May 2016 and 28 November 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002242-O), Mr X remained at Wickham Point Alternative Place of Detention.	
11 May 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

Mr X arrived in Australia by sea after 19 July 2013 and was transferred to a Regional Processing Centre (RPC). The Department of Immigration and Border Protection (the department) has advised that Mr X is barred under ss 46A and 46B of the <i>Migration Act 1958</i> from lodging a valid protection visa application as a result of his method of arrival and transfer to an RPC. Mr X was returned to Australia for medical treatment on 29 November 2013. The department has advised that it is exploring options to resolve Mr X's immigration status	
7 November 2016	Mr X's case was referred on a ministerial submission for consideration under s 197AB for a community detention placement.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X's hepatitis B is monitored with regular blood tests and ultrasounds. He was referred to a liver clinic and was awaiting an appointment at the time of reporting. On 15 June 2016 Mr X reported to a general practitioner that he continued to experience knee and hip pain and he was referred to an orthopaedic specialist for review and prescribed with pain relief medication to take as required. Mr X was identified as a tuberculosis contact in 2014 and was monitored as per state policy with no further review required. IHMS further advised that Mr X has not presented with any mental health concerns and was made aware of the self-referral process should he require mental health support and counselling.	
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Ombudsman assessment/recommendation

Mr X was detained on 10 November 2013 after arriving in Australia by sea and has been held in restricted detention for a cumulative period of more than three years with no processing of his claims.

Mr X was transferred to an RPC and returned to Australia for medical treatment. The department advised that it is exploring options to resolve Mr X's immigration status.

The Ombudsman notes the advice from IHMS that Mr X has a medical condition that requires ongoing treatment.

The Ombudsman notes with concern the Government's duty of care to detainees and the risk to mental and physical health prolonged and apparently indefinite detention may pose.

The Ombudsman notes that without an assessment of Mr X's claims it appears likely he will remain in detention indefinitely.

The Ombudsman recommends that the department expedite the resolution of Mr X's immigration status.