

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 1001735 was tabled in Parliament on 3 December 2014. 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	1002204
Date of DIBP's reports	19 January 2015, 17 July 2015 and 15 January 2016
Total days in detention	1,276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001735), Mr X remained at Curtin Immigration Detention Centre (IDC).	
28 August 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point Alternative Place of Detention (APOD). ¹

Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering his protection claims.
8 September 2014	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
10 September 2014	The former Minister declined to intervene under s 195A.
19 January 2015	DIBP advised that Mr X was no longer considered to be a person of interest.
4 February 2015	Mr X's case was referred on a ministerial submission for consideration under s 195A.

¹ Wickham Point was designated an APOD on 11 July 2013. DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point APOD is comprised of three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X is accommodated in the single adult male compound at Wickham Point APOD.

² In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

12 February 2015	The Minister declined to intervene under s 195A.
2 June 2015	Mr X's case was referred on a ministerial submission to consider lifting the bar under s 46A and under ss 195A and 197AB for consideration of a Bridging visa or a community detention placement.
4 June 2015	The Minister declined to intervene under ss 195A and 197AB however, the Minister lifted the bar under s 46A to allow him to lodge a Temporary Protection visa (TPV) application.
12 June 2015	DIBP invited Mr X to lodge a TPV application.
27 July 2015	Mr X requested an extension of time to lodge his TPV application. DIBP granted him an extension until 25 August 2015.
31 August 2015	Mr X's case was referred on a ministerial submission to consider lifting the bar under s 46A to allow him to lodge a Safe Haven Enterprise Visa (SHEV) application.
17 September 2015	Mr X requested an extension of time to lodge his TPV application. DIBP granted him an extension until 21 October 2015.
22 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a SHEV application. On the same day Mr X lodged a SHEV application.

Health and welfare

16 January 2015 – ongoing	<p>International Health and Medical Services (IHMS) reported that Mr X's mental health had deteriorated because of his prolonged detention. He had reduced contact with his family, withdrawn from activities, was sleeping excessively and had isolated himself in his room.</p> <p>IHMS further advised that he continued to take prescribed medication and attend counselling.</p>
July 2015	IHMS reported that there was documentation on Mr X's file to suggest that he would benefit from being placed in a less restrictive environment.
7 July 2015 – September 2015	Mr X presented to a general practitioner on multiple occasions with back pain and was referred for physiotherapy.
30 September 2015	A magnetic resonance imaging scan identified a bulging disc.
1 October 2015 – 22 October 2015	Attended five physiotherapy appointments.

Case status

Mr X was detained on 18 July 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Inskip* and has been held in restricted detention for over three and a half years.

On 4 June 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a TPV and on 12 June 2015 DIBP invited Mr X to apply.

On 22 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a SHEV and on the same day Mr X lodged a SHEV application.