

## 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 30 months (two and a half years).

The first report 1003223 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.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1973
<b>Ombudsman ID</b>	1001973-O
<b>Date of DIBP's report</b>	11 February 2016
<b>Total days in detention</b>	912 (at date of DIBP's report)

### Recent detention history

Since the Ombudsman's previous report (1003223), Mr X has remained at Facility B.

### 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 <sup>1</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
28 October 2015	DIBP invited Mr X to lodge a temporary visa application.
24 December 2015	Mr X asked for an extension of time in which to apply for a temporary visa.
8 January 2016	DIBP granted Mr X a further 14 days in which to lodge his application.
11 February 2016	DIBP advised that Mr X remains subject to an ongoing security assessment by an external agency.
14 April 2016	The Minister's tabling statement noted that Mr X had lodged a Temporary Protection visa (TPV) application.

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<sup>1</sup> 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.

## Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment and monitoring for type 2 diabetes, high blood pressure and high cholesterol.

IHMS advised that Mr X continued to suffer from depression and experienced anxiety-related chest pain. He also disclosed a history of torture and trauma and received regular specialist counselling. He is prescribed with antidepressant medication and monitored by the mental health team.

In November 2015 his psychologist reported that his mental health had deteriorated over the past nine months and that he suffered from increasingly severe migraines and distress about his current circumstances.

## Information provided by Mr X

During an interview with Ombudsman staff at Facility B on 24 March 2016 Mr X advised he had lodged an application for a Temporary Protection visa and was awaiting an interview.

He said he did not understand why he had been re-detained. He stated that he was living in City C in 2013 when he received a telephone call from DIBP asking him to attend the office for an interview. When he did so he was re-detained but said that no reason was given to him.

Mr X advised that his health had deteriorated during his detention and he experiences migraines. He said he had been attending a specialist counselling service once a fortnight for the past 14 months as he suffers from anxiety, depression and psychological trauma.

In a telephone conversation with Ombudsman staff on 11 May 2016 Mr X confirmed he had had been advised that security checking was still in process.

## Case status

Mr X was detained on 17 October 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Opaque* and has been held in restricted detention for a cumulative period of over two and a half 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 28 October 2015 DIBP invited Mr X to apply.