

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O report on Mr X who remained in restricted immigration detention for more than 78 months (six and a half years) due to an adverse security assessment. The previous reports are:

Report 665/11 was tabled in Parliament on 23 November 2011

Report 986/12 was tabled in Parliament on 26 June 2013

Report 1001168 was tabled in Parliament on 28 May 2014

Report 1001780 was tabled in Parliament on 13 May 2015.

This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1976
Ombudsman ID	1002231
Date of DIBP's reports	10 February 2015, 13 August 2015 and 8 February 2016
Total days in detention	2,370 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001780), Mr X remained at Sydney Immigration Residential Housing.	
24 February 2016	Granted a Bridging visa and released from detention.

Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border (DIBP) notified Mr X of the unintentional release of personal information. ¹
20 May 2015	Mr X attended an interview with the Australian Security Intelligence Organisation (ASIO) in relation to the annual review of his adverse security assessment.
1 June 2015 and 6 July 2015	Mr X provided ASIO with further information as requested.
4 August 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
25 August 2015	DIBP invited Mr X to lodge a temporary visa application.
17 September 2015	Mr X requested an extension of time to lodge a temporary visa application. DIBP granted him an extension until 29 October 2015.
15 October 2015	Lodged a Temporary Protection visa (TPV) application.

¹ 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.

4 December 2015	DIBP requested further information from Mr X in relation to his TPV application.
6 December 2015	DIBP was notified that ASIO had issued Mr X with a qualified security assessment, superseding his adverse security assessment.
16 December 2015	Referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa.
17 December 2015 23 December 2015 and 15 January 2016	Mr X provided DIBP with further information in relation to his TPV application.
24 February 2016	Granted a Bridging visa.

Health and welfare

10 June 2014 – 22 July 2015	International Health and Medical Services (IHMS) advised that Mr X attended 17 specialist counselling sessions.
19 September 2014	Mr X was reviewed by a psychiatrist for ongoing sleeping difficulties and prescribed with medication. IHMS advised that he regularly saw a psychiatrist and a counsellor.
18 November 2014	Referred for a computed tomography scan after reporting persistent headaches. The scan identified a piece of shrapnel lodged in Mr X's head, which he advised was from an injury he sustained in 1996.
16 December 2014	Mr X reported that he was having thoughts of self-harm, but stated that he had no intention to act on them.
22 January 2015	Mr X informed his psychologist that he was sleeping better, attending prayer earlier in the morning, exercising more regularly and his family issues had been resolved.
26 February 2015	Attended a pain management clinic and requested surgery to remove the shrapnel from his head as it was causing him pain.
15 April 2015	IHMS advised that Mr X was frustrated by the length of time he had been waiting for a procedure to investigate his ongoing shoulder pain for which he had been referred on 19 February 2014. He was prescribed with pain relief medication and IHMS advised that the procedure was scheduled for 22 January 2016.
May 2015	Reviewed by a pain management specialist and referred for surgery to remove the shrapnel from his head.
3 June 2015	Mr X's counsellor recorded that he was experiencing persistent nightmares, sleep disturbance, episodes of constant crying and concentration problems. The counsellor recommended that Mr X be released into the community to assist with his mental health. IHMS advised that Mr X disclosed to his psychiatrist that he felt hopeless and his life had no future. He was prescribed with medication.
25 August 2015	Mr X underwent surgery to remove the shrapnel in his head.

13 January 2016	IHMS advised that Mr X's mental health had improved after he received positive news of his immigration pathway and the psychiatrist was gradually reducing the dosage of his medication.
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Other matters

17 December 2014	DIBP provided a response to the United Nations Human Rights Committee regarding a complaint, <i>Gafoor et al Communication</i> , lodged by 38 people including Mr X. No updated information about the status of this matter was provided in DIBP's reviews of 13 August 2015 and 8 February 2016.
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Case status

<p>Mr X was granted a Bridging visa on 24 February 2016 and released from immigration detention.</p> <p>Mr X was found to be owed protection under the Refugee Convention in October 2009 and was detained for a period of more than six and a half years while he was the subject of an adverse security assessment. At the time of DIBP's latest review Mr X was awaiting the outcome of his TPV application.</p>
