

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X who has remained in immigration detention for a cumulative period of more than 48 months (four years).

The first report 1001812 was tabled in Parliament on 29 October 2014 and the second report 1002225 was tabled in Parliament on 17 June 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	1965
Ombudsman ID	1003202
Date of DIBP's reports	14 August 2015, 12 February 2016 and 10 August 2016
Total days in detention	1458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002225), Mr X has remained in community detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Mr X was part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A of the <i>Migration Act 1958</i> .	
13 March 2014	DIBP notified Mr X of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering his protection claims.
13 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
8 September 2015	DIBP invited Mr X to lodge a temporary visa application.
1 October 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 12 October 2015 and was assigned a PAIS provider.
1 February 2016	Lodged a Safe Haven Enterprise visa (SHEV) with an associated Bridging visa application.
22 February 2016	Associated Bridging application deemed invalid.

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.

14 June 2016 and 15 June 2016	Attended an interview in relation to his SHEV application.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X is mute and was diagnosed with sensorineural deafness related to a childhood infection. He communicates through sign language and is closely monitored by the general practitioner (GP).

IHMS further advised that Mr X receives treatment for multiple physical health conditions, including hypothyroidism and gastroenterological concerns. In June 2015 he was diagnosed with a stomach ulcer and admitted to hospital for a surgical procedure. He continues to be monitored by the GP and prescribed with medication as required.

In March 2016 Mr X presented with symptoms of depression related to his immigration status and separation from his family. IHMS advised that he was prescribed with anti-depressant medication and attends specialist counselling.

Case status

Mr X was detained on 14 August 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Quorn* and has been held in detention for over four years.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 1 February 2016 Mr X lodged a SHEV application.