

## 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 1002995 was tabled in Parliament on 31 August 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>	1985
<b>Ombudsman ID</b>	1001768-O
<b>Date of DIBP's reports</b>	16 July 2016 and 18 January 2017
<b>Total days in detention</b>	1280 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002995), Mr X remained at Wickham Point Alternative Place of Detention.	
21 June 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).

### Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (the department) 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.
22 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 29 February 2016.
21 April 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
6 May 2016	SHEV application refused. Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
9 June 2016	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
27 June 2016	The IAA affirmed the decision to refuse Mr X's SHEV application.
1 August 2016	Requested judicial review by the Federal Circuit Court (FCC).
9 December 2016	The FCC adjourned and reserved its judgment in review of Mr X's case.

<sup>1</sup> In a media release dated 19 February 2014 the Minister advised that an immigration detention statistics report was released on the department's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as the department became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by the department.

**Health and welfare**

International Health and Medical Services advised that Mr X attended specialist counselling sessions after disclosing a history of torture and trauma and reporting sleep disturbance, thoughts of self-harm and stress associated with his ongoing detention.

At the time of the department's latest review, Mr X was awaiting a new referral to an eye specialist following his transfer to Yongah Hill IDC.

15 – 23 December 2015

Mr X refused food and fluid.

**Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for more than three and a half years.

On 21 April 2016 Mr X lodged a SHEV application which was refused on 6 May 2016. On 27 June 2016 the IAA affirmed the refusal.

At the time of the department's latest review Mr X was awaiting the outcome of judicial review.