

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 84 months (seven years) due to an adverse security assessment. The previous reports are:

Report 676/12 was tabled in Parliament on 9 May 2012

Report 1124/12 was tabled in Parliament on 26 June 2013

Report 1001236 was tabled in Parliament on 25 June 2014

Report 1001910 was tabled in Parliament on 25 February 2015.

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

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| Name | Mr X |
| Citizenship | Country A |
| Year of birth | 1966 |
| Ombudsman ID | 1002374 |
| Date of DIBP's reports | 31 March 2015, 26 September 2015 and 29 March 2016 |
| Total days in detention | 2,553 (at date of DIBP's latest report) |

Recent detention history

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| Since the Ombudsman's previous report (1001910), Mr X remained at Villawood Immigration Detention Centre (IDC). | |
| 11 May 2015 | Transferred to Melbourne Immigration Transit Accommodation (ITA). |
| 28 April 2016 | Granted a Bridging visa and released from detention. |

Recent visa applications/case progression

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| 13 May 2015 | The Department of Immigration and Border (DIBP) advised that a periodic review of Mr X's adverse security assessment had commenced. |
| 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. |
| 18 September 2015 | DIBP invited Mr X to lodge a temporary visa application. |
| 13 October 2015 | Attended an interview with the Australian Security Intelligence Organisation in relation to the review of his adverse security assessment. |
| 8 February 2016 | Lodged a Safe Haven Enterprise visa (SHEV) application. |
| 28 April 2016 | Granted a Bridging visa. |

Health and welfare

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| DIBP did not provide an IHMS Health Summary Report for Mr X for the period 10 October 2014 to 5 May 2015. | |
| International Health and Medical Services (IHMS) provided details of Mr X's health and welfare for the period 6 May 2015 to 17 February 2016. No significant ongoing physical health concerns were noted. | |
| 7 July 2015 | IHMS advised that Mr X's counsellor noted that he remained at risk of suicide for as long as his immigration case remained unresolved. IHMS advised that Mr X attended regular individual and group therapy sessions and received regular support from the mental health team to manage his anger, frustration and anxiety. |
| 27 October 2015 – 26 November 2015 | Attended two specialist counselling appointments. |
| 17 February 2016 | IHMS advised that Mr X received regular support and counselling from the mental health team. |

Other matters

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| 22 January 2014 | DIBP advised that Mr X married another detainee, Ms Y, who is the subject of Ombudsman report 1002675. The family ¹ lived together at Melbourne ITA. |
| 11 September 2014 | DIBP advised that it received a further complaint from the Australian Human Rights Commission (AHRC) on behalf of Mr X. DIBP provided a response on 10 December 2014 and on 19 March 2015 the AHRC closed the complaint. |
| 8 March 2016 | DIBP advised that Ms Y and Master Z were granted Bridging visas and released from immigration detention. |
| 12 April 2016 | DIBP advised that Ms Y and Master Z were placed with friends in Sydney at Mr X's request because they had no community support in Melbourne. |

Information provided by Mr X

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| <p>During an interview with Ombudsman staff at Melbourne ITA on 24 March 2016 Mr X explained he was under 'tremendous mental pressure' and was unable to get an answer about why he was still in detention.</p> <p>He said his wife and nine-month-old son had been released on Bridging visas 10 days prior, but his wife was very distressed about being separated from him. She even suggested returning to Melbourne ITA. Mr X said he wanted to be able to live with his wife and child and they either wanted to be in detention together or be released as a family.</p> <p>Mr X also claimed that two years ago detainees had greater freedom, while today there were 'many more rules'. He advised there was a high turnover of officers at Melbourne ITA and the new staff did not understand the unique situation of the long-term detainees with adverse security assessments.</p> |
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¹ Mr X and Ms Y's son, Master Z, was born in Australia in July 2015 and detained on 14 July 2015. He has been in detention for less than two years and is not subject to reporting under s 486N.

Case Status

Mr X was granted a Bridging visa on 28 April 2016 and released from immigration detention.

Mr X has been found to be owed protection under the Refugee Convention and was detained for more than seven 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 a SHEV application.