

**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 36 months (three years).

The first report 1002907 was tabled in Parliament on 11 November 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1988
Ombudsman ID	1001688-O
Date of DIBP's report	29 January 2016
Total days in detention	1094 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002907), Mr X remained at Yongah Hill Immigration Detention Centre.	
31 July 2015	Transferred to Wickham Point Alternative Place of Detention (APOD).

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> .	
12 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.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa.
26 October 2015	Mr X's case was assessed against the guidelines under s 195A for the possible grant of a Bridging visa.
4 November 2015	DIBP invited Mr X to lodge an application for a temporary visa.
15 December 2015	Lodged a Safe Haven Enterprise (SHEV) visa application which triggered an associated Bridging visa application.
18 January 2016	DIBP notified Mr X that the associated Bridging visa application was 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.

27 January 2016	Mr X's case was referred on a ministerial submission for consideration under s 195A.
29 January 2016	DIBP advised that Mr X is no longer a person of interest in relation to his alleged involvement in criminal matters overseas.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any significant physical or mental health concerns since its previous report to the Ombudsman.	
15 December 2015	A DIBP Incident Report recorded that Mr X refused food and fluid as a form of protest. IHMS advised that a food and fluid refusal (FFR) watch was commenced. The general practitioner requested pathology testing and Mr X was monitored as per the FFR policy.

Information provided by Mr X

<p>During an interview with Ombudsman staff at Wickham Point APOD on 18 April 2016 Mr X said he speaks with his case manager every month and is waiting for an interview about his visa application.</p> <p>Mr X stated he has no physical health concerns but takes medication twice a day for his mental health. He also attends weekly psychology appointments.</p> <p>He said he does not take part in Serco-organised activities anymore because the schedule is repetitive but sometimes he uses the internet and goes to the gym. He also said he feels the Serco staff treat him like he is a prisoner.</p>

Case status

<p>Mr X was detained on 30 January 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel <i>Focus</i> and has been held in restricted detention for over three years.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 15 December 2015 2015 Mr X lodged a SHEV application.</p>
