

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 X¹ who has remained in restricted immigration detention for more than 36 months (three years).

The first report 1002165 was tabled in Parliament on 27 May 2015 and the second report 1002418 was tabled in Parliament on 14 September 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	1975
Ombudsman ID	1003487
Date of DIBP's report	8 October 2015
Total days in detention	1,094 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002418), 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

13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information ² 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 of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
20 August 2015	DIBP invited Mr X to lodge a temporary visa application.
7 September 2015	Lodged a Safe Haven Enterprise visa (SHEV) application. DIBP advised that Mr X's SHEV application will also serve as a Bridging visa application.
8 October 2015	DIBP advised that Mr X is a person of interest in relation to alleged criminal matters offshore.

¹ Mr X's name was previously recorded as Mr Y until DIBP's review of 8 October 2015, which recorded it as Mr X.

² 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.

Health and welfare

9 May 2015 – ongoing	<p>International Health and Medical Services (IHMS) advised that Mr X did not present with any acute mental health issues during this reporting period but has received specialist counselling and sees the mental health team as required. However, IHMS did state that his prolonged detention could adversely affect his mental health given his history of post-traumatic stress disorder and depression.</p> <p>Mr X's diabetes and hypertension are monitored by a general practitioner.</p>
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Other matters

14 November 2014	<p>The Australian Human Rights Commission (AHRC) notified DIBP of a complaint lodged by Mr X. On 27 March 2015 DIBP provided a response to the AHRC's request for further information.</p>
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Information provided by Mr X

<p>On 10 March 2016 Mr X provided the Ombudsman's office with a copy of a letter he had sent to DIBP and the Australian Security Intelligence Organisation (ASIO). In this letter he expressed concerns as to why he remained in immigration detention. He stated that he has done all that had been required of him, from providing information to attending all interviews.</p> <p>He said that he attended an interview with ASIO in November 2014 and last attended an interview with DIBP in relation to his SHEV application in December 2015.</p> <p>Mr X stated that he is suffering in detention and that his physical and mental health is deteriorating on a daily basis.</p>
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Case status

<p>Mr X was detained on 9 October 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel <i>Babinda</i> and has been held in restricted detention for over three years.</p> <p>On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 7 September 2015 Mr X lodged a SHEV application.</p> <p>DIBP advised that Mr X's SHEV application also serves as a Bridging visa application. At the time of its review DIBP was assessing Mr X's eligibility for the grant of a Bridging visa.</p>
