

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

The first report 1001926 was tabled in Parliament on 18 March 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	1981
Ombudsman ID	1002417
Date of DIBP's reports	17 April 2015 and 9 October 2015
Total days in detention	1,095 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001926), Mr X remained at Yongah Hill Immigration Detention Centre.	
31 July 2015	Transferred to Wickham Point Alternative Place of Detention (APOD). ¹
29 October 2015	Granted a Bridging visa and released from 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> .	
12 March 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ²
13 August 2015	The Minister lifted the bar under s 46A to allow him to lodge a Protection visa application.
9 September 2015	Referred for ministerial intervention under s 195A for consideration of a Bridging visa.
18 September 2015	Mr X lodged a Safe Haven Enterprise visa (SHEV) application.
29 October 2015	Granted a Bridging visa.

¹ DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X is accommodated in the single adult male compound at Wickham Point APOD.

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

29 October 2014	International Health and Medical Services (IHMS) advised that Mr X was referred to a specialist counselling service after he disclosed a history of torture and trauma.
7 November 2014	Attended an appointment with a specialist counsellor who noted concerns about his mental health.
15 December 2014	A DIBP Incident Report recorded that he threatened to self-harm in a written statement dated 10 December 2014, but the threat was not identified until the statement had been translated.
19 December 2014 – 29 January 2015	<p>Following the letter threatening self-harm he was reviewed by the psychiatrist who noted that Mr X had a major depressive disorder but had declined antidepressant medication.</p> <p>He was deemed to be at low risk of self-harm however, as he had a suicide plan in place, he was placed on Supportive, Monitoring and Engagement observations and was reviewed by IHMS psychiatrists until he could guarantee his safety.</p> <p>On 29 January 2015 a psychiatrist reported that Mr X wanted to start a 'new life' and showed no signs of depression, suicidal ideation or psychosis.</p>
22 January 2015	A DIBP Incident Report recorded that he threatened to self-harm during an appointment with IHMS. No further information was provided.
13 September 2015	IHMS advised that Mr X was regularly reviewed by the mental health team.

Other matters

20 November 2013	DIBP received a complaint from the Australian Human Rights Commission (AHRC). On 25 February 2014 DIBP provided its response to the AHRC. This matter remained ongoing.
DIBP advised that Mr X was previously a person of interest in relation to allegations it had received.	

Case status

<p>Mr X was granted a Bridging visa on 29 October 2015 and released from immigration detention.</p> <p>Mr X was detained on 9 October 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel <i>Babinda</i> and was held in restricted detention for over three years before being granted a Bridging visa.</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 18 September 2015 Mr X lodged a SHEV application.</p>
