

**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 1002214 was tabled in Parliament on 25 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	1001232-O
Date of DIBP's report	1 February 2016
Total days in detention	1094 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002214), Mr X has remained at 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> .	
13 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.
25 September 2015	Mr X's case was referred on a ministerial submission for consideration under s 46A to lift the bar.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
4 November 2015	DIBP invited Mr X to lodge a temporary visa application.
27 January 2016	Mr X's case was referred on a first stage submission for consideration under s 195A to grant a Bridging visa.

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.

Health and welfare

International Health and Medical Services (IHMS) reported that Mr X has not required treatment for any significant physical health concerns since its previous report to the Ombudsman.

IHMS advised that Mr X continued to experience mood issues which were monitored by the mental health team, but he declined to answer questions at his routine mental health assessments.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 18 April 2016 Mr X advised he had not yet submitted his application for a visa but it was in progress.

Mr X said with regard to his physical health he could not say if he was good or bad, but he was finding it difficult to cope mentally after being in detention for a long time. He said the mental health team prescribed him with medication for his symptoms but what was really bothering him was the lack of progress in his immigration case.

He advised he spends most of the time talking with friends and his involvement in activities varied depending on how he feels. He said the activities help him pass time.

Case status

Mr X was detained on 30 January 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Focus* and has been held in restricted detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 4 November 2015 DIBP invited Mr X to apply.