

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 30 months (two and a half years).

The first report 1003213 was tabled in Parliament on 2 March 2016. 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	1001963-O
Date of DIBP's report	7 February 2016
Total days in detention	912 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1003213), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
12 May 2016	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> .	
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
25 October 2015	Mr X's case was identified for assessment against the guidelines under s 195A for a possible referral to the Minister.
6 October 2015	DIBP invited Mr X to lodge an application for a temporary visa.
17 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
18 December 2015	DIBP requested Mr X to provide identity documents to commence processing his SHEV application. He provided a response on 28 December 2015.
7 February 2016	DIBP advised that Mr X was issued with a qualified security assessment.
12 May 2016	Granted a Bridging visa.

Health and welfare

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing mental or physical health concerns were noted.	
2 November 2015	Mr X was supported by the mental health team following news of his son's death. IHMS advised that he participated in mental health outreach sessions and was aware of the self-referral process.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 19 April 2016 Mr X advised he had applied for a SHEV and was asked to provide identity documents. However, since he had no identity documents he had submitted a statutory declaration.

Mr X said he is very active in detention and gets points¹ from participating in activities. He organises a Christian fellowship for detainees and members of his church visit him every week. He has no physical health concerns but finds counselling with the mental health team helpful.

Mr X said he has four children living with his wife's parents in the G jungle. He cannot speak with his family directly but has a friend he speaks to in City D who updates him. Mr X explained he wants to get out of detention so he can give his children the opportunities he did not have. He said he understands he needs to be patient and hopes a decision is made soon.

Case status

Mr X was granted a Bridging visa on 12 May 2016 and released from immigration detention.

Mr X was detained on 9 August 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Keystone* and was held in restricted detention for over two and a half years before being granted a Bridging visa.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 17 December 2015 Mr X lodged a SHEV application.

¹ Section 6, Clause 5.6 of the *Immigration Detention Facilities and Detainee Services Contract* stipulates that Serco must implement and manage DIBP's approved Individual Allowance Programme (IAP) in each detention facility. Through the IAP, detainees are allocated points that can be exchanged for a variety of goods on offer, such as telephone cards, tobacco and snack food, at the facility shop managed by Serco.