

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

The first report 1003104 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	1964
Ombudsman ID	1003517
Date of DIBP's reports	16 October 2015 and 20 April 2016
Total days in detention	1099 (at date of DIBP's latest report)

Detention history

17 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 663 <i>Maidstone</i> . He was transferred to an Alternative Place of Detention, Christmas Island. ¹
18 April 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
21 April 2013	Transferred to Perth IDC.
25 May 2013	Transferred to Yongah Hill IDC.
1 August 2013	Transferred to community detention.

Recent visa applications/case progression

23 July 2013	The former Minister intervened under s 197AB of the <i>Migration Act 1958</i> to allow Mr X to reside in community detention.
28 April 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.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
14 October 2015	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 22 October 2015 and was assigned a PAIS provider.

¹ DIBP did not provide the full detention history for Mr X in its 24-month review.

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.

7 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) application with an associated Bridging visa application.
12 February 2016	DIBP advised that the application for the associated Bridging visa was invalid.

Other legal matters

23 September 2015	Mr X was charged with driving a motor vehicle without a valid licence and was fined and given a three month driving disqualification. He was scheduled to appear before Court B on 25 May 2016.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received psychological counselling for the management of anxiety and depression and was placed on a mental health care plan.

In November 2015 Mr X was admitted to hospital with abdominal pain and delirium due to drug induced psychosis. He was monitored and advised on the safe handling of medication.

IHMS further advised that Mr X has a history of hepatitis C and liver cirrhosis which causes him significant pain and requires regular treatment and medication. He was reviewed by a specialist for removal of his gallbladder after presenting with gallstones and inflammation, however the surgeon advised that his liver condition made surgical removal too dangerous. This condition is now managed with pain relief by his general practitioner.

Mr X has also been referred to a specialist for a perforated ear drum and was referred for x-rays after reporting chronic back pain.

Case status

Mr X was detained on 17 April 2013 after arriving in Australia aboard SIEV *Maidstone* and has been held in 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 7 December 2015 Mr X lodged a SHEV application.