

**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 30 months (two and a half years).

The first report 1003222 was tabled in Parliament on 24 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1982
<b>Ombudsman ID</b>	1001972-O
<b>Date of DIBP's report</b>	13 February 2016
<b>Total days in detention</b>	913 (at date of DIBP's report)

**Recent detention history**

Since the Ombudsman's previous report (1003222), 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> .	
12 March 2014	DIBP notified Mr X of the unintentional release of personal information <sup>1</sup> 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.
7 October 2015	Mr X's case was referred on a first stage submission for consideration under s 195A for the grant of a Bridging visa.
14 October 2015	The Minister declined to intervene under s 195A.
6 November 2015	DIBP invited Mr X to apply for a temporary visa.
8 February 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
13 February 2016	DIBP advised that processing of Mr X's protection claims had commenced however, security and character assessments had not yet been requested.

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<sup>1</sup> 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 provided details of Mr X's health and welfare. No significant ongoing physical or mental health concerns were noted.

## Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 19 April 2016 Mr X advised the Refugee Advice and Casework Service helped him complete his visa application but he has not yet been interviewed by DIBP.

He said he had recently spoken with his case manager and understood the Minister had refused to give him a Bridging visa but he is hopeful he will hear about his SHEV application soon.

Mr X said he is frustrated about being in detention but he had no complaints about the conditions.

He said he had no health concerns and he attends reviews with the mental health team every three months.

## Case status

Mr X was detained on 13 August 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Jasper* and has been held in restricted detention for over two and a half 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 8 February 2016 Mr X lodged a SHEV application.