

**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 1002882 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	1990
Ombudsman ID	1001665-O
Date of DIBP's report	4 January 2016
Total days in detention	1097 (at date of DIBP's report)

Detention history

2 January 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 570 <i>Wyvern</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. ¹
3 January 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
18 January 2013	Transferred to Wickham Point IDC.
5 April 2013	Transferred to Scherger IDC.
25 January 2014	Transferred to Curtin IDC.
28 August 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point APOD.

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.	
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 apply for a temporary visa.
15 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
4 January 2016	DIBP advised that Mr X's case has been found to meet the guidelines under s 195A for referral to the Minister for consideration to grant a Bridging visa.

¹ Mr X's complete detention placement history was not provided in DIBP's 24 or 30-month reviews.

Health and welfare

International Health and Medical Services (IHMS) reported that Mr X has not required treatment for any significant physical health issues since its previous report to the Ombudsman.	
15 December 2015 – 22 December 2015	A DIBP Incident Report recorded that Mr X refused food and fluid as a form of protest. IHMS advised it had informed Mr X of the effects that this could have on his body. He was reviewed by a general practitioner on 22 December 2015 and advised to drink more fluids. He was assessed as not being in distress and had been seen eating dinner the previous evening.
30 December 2015	IHMS advised Mr X continued to decline specialist counselling but he was aware of the self-referral process and was monitored by the mental health team.

Other matters

16 December 2013	DIBP received a complaint from the Australian Human Rights Commission (AHRC) on behalf of Mr X. DIBP provided a response to AHRC on 31 January 2014. On 4 January 2016 DIBP advised that the AHRC has requested further information and the matter remains ongoing.
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Information provided by Mr X

<p>During an interview with Ombudsman staff at Wickham Point APOD on 21 April 2016 Mr X expressed frustration that his case manager cannot tell him anything about his SHEV application. He said he has been in detention for more than three and a half years and wants to know when he will get a visa.</p> <p>Mr X said he had no major complaints about Wickham Point APOD and while the conditions fluctuate the staff treat him well and he is able to see IHMS when required.</p> <p>Mr X advised he has not had a visitor for two years. He does not have any family in Australia and his friends are living in Sydney and Melbourne or had been transferred to Nauru Regional Processing Centre.</p>

Case status

<p>Mr X was detained on 2 January 2013 after arriving in Australia aboard SIEV <i>Wyvern</i> and has been held in restricted detention for over three years.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 15 December 2015 Mr X lodged a SHEV application.</p>
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