

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 42 months (three and a half years).

The first report 1001979¹ was tabled in Parliament on 12 August 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	1003351
Date of DIBP's reports	11 May 2015, 2 November 2015 and 2 May 2015
Total days in detention	1276 (at date of DIBP's latest report)

Detention history

3 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving on the Cocos (Keeling) Islands aboard Suspected Illegal Entry Vessel (SIEV) 516 <i>Ultima</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. Mr X arrived with his second cousin, Mr Y, who is residing in the community on a Bridging visa.
9 November 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
1 December 2012	Transferred to Northern IDC.
27 December 2012	Transferred to Wickham Point IDC.
6 January 2015	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.	
13 March 2014	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.

¹ Mr X was previously reported on in a group report of people who arrived on SIEV 516 *Ultima*.

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.

11 August 2015	Mr X's case was referred on a ministerial submission for consideration under s 46A to lift the bar.
13 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
2 September 2015	DIBP invited Mr X to apply for a temporary visa.
16 October 2015 and 23 October 2015	DIBP twice granted Mr X extensions of 14 days to lodge a temporary visa application.
2 November 2015	DIBP advised that Mr X has been identified as a person of interest in relation to alleged involvement in criminal matters overseas.
18 November 2015	Lodged a Safe Haven Enterprise visa (SHEV) application with an associated Bridging visa application.
15 January 2016	Associated Bridging visa application was considered to be invalid.
24 February 2016	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 and should he accept the offer, he will be invited to lodge a new application or provide further information in relation to his current SHEV application.
29 February 2016	He accepted the PAIS offer and DIBP assigned him a provider on 14 April 2016.
21 April 2016	Mr X requested his first SHEV application be withdrawn. DIBP advised his application was withdrawn the same day and he lodged a new SHEV application.
27 April 2016	Interview conducted in relation to his SHEV application.

Health and welfare

International Health and Medical Services (IHMS) reported that Mr X has not presented with any significant mental health concerns and he is aware of the self-referral process.	
12 November 2012 – ongoing	Mr X advised the general practitioner (GP) that he was diagnosed with a heart murmur prior to his arrival in Australia. IHMS advised that investigations identified his condition as stable and he is monitored by a cardiologist and GP.
8 February 2013	A DIBP Incident Report recorded that Mr X was taken to a hospital by ambulance. No further information was provided.
27 May 2013	He underwent a bone marrow biopsy following abnormalities identified in his induction blood test on 3 January 2013. No concerns were noted.
3 December 2014	A DIBP Incident Report recorded that he refused food and fluid because he did not like the food provided.
2 January 2015	A DIBP Incident Report recorded that he refused food and fluid.

25 November 2015 – ongoing	Admitted to hospital following a conscious collapse. He was diagnosed with sudden worsening vertigo with an unknown cause. IHMS advised he underwent investigations where evidence of a previous stroke was found which Mr X was unaware of. He was prescribed with medication as a preventative measure. He also underwent an angiogram and was referred to a cardiologist.
31 December 2015 – ongoing	The cardiologist noted that he had possible cardiac issues and ordered further testing. IHMS advised a review is to be scheduled when the results are received.
3 February 2016 – ongoing	Mr X was diagnosed with a blood disorder which was first identified during his hospital admission. He was prescribed with medication which requires regular blood tests. IHMS advised that he also has a blood platelet deficiency which was reviewed. He was referred for further tests and awaits scheduling of appointments.
23 March 2016	IHMS commented that he had previously disclosed a history of torture and trauma but declined specialist counselling.
13 April 2016	A DIBP Incident Report recorded that IHMS called an ambulance for Mr X as he was dizzy and unsteady on his feet. No further information was provided.

Other matters

2 November 2015	DIBP advised that Mr X claims to have an adult son, Mr Z, who was granted a Protection visa and is now a permanent Australian resident.
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Case status

Mr X was detained on 3 November 2012 after arriving on the Cocos (Keeling) Islands aboard SIEV *Ultima* and has been held in restricted detention for over three and a half years.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application and on 18 November 2015 and 21 April 2016 Mr X lodged a SHEV application.