

**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 1003087 was tabled in Parliament on 31 August 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>	1990
<b>Ombudsman ID</b>	1001856-O
<b>Date of DIBP's reports</b>	12 April 2016 and 11 October 2016
<b>Total days in detention</b>	1276 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1003087), Mr X remained at Wickham Point Alternative Place of Detention.	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

**Recent visa applications/case progression**

6 November 2015	The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a temporary visa application
22 February 2016	DIBP notified Mr X that he was eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 29 February 2016.
20 April 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
20 July 2016	SHEV application refused. DIBP advised that issues relating to the unintentional release of personal information <sup>1</sup> were taken into account at the time of assessing his protection claims.
3 August 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
15 September 2016	The Immigration Assessment Authority (IAA) affirmed the decision to refuse Mr X's SHEV application.
10 October 2016	Identified for possible referral to the Minister for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.

<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 (IHMS) advised that from 15 December 2015 to 23 December 2015 Mr X participated in food and fluid refusal as a protest. He recommenced food and fluid with no adverse effects to his health.

IHMS advised that in January 2016, following Mr X's protest, routine blood testing revealed that he was a carrier for an inherited gene disorder which did not cause him any serious problems but which, in certain circumstances, could affect any children he might have in the future.

## **Case status**

Mr X was detained on 14 April 2013 after arriving in Australia by sea and has been held in restricted detention for more than three and a half years.

On 20 April 2016 Mr X lodged an application for a SHEV. The application was refused on 20 July 2016. The IAA reviewed the decision on 15 September 2016 and affirmed the refusal of Mr X's SHEV application.

At the date of DIBP's latest review, Mr X was still within the timeframe to apply for judicial review of the IAA's decision.

DIBP advised it is considering the resolution of Mr X's case.