

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 1002895 was tabled in Parliament on 10 February 2016. 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	1979
Ombudsman ID	1001678-O
Date of DIBP's reports	30 October 2015 and 29 April 2016
Total days in detention	1094 (at date of DIBP's latest report)

Detention history

1 May 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 683 <i>Jersey</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. ¹
9 May 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
24 May 2013	Transferred to Wickham Point IDC.
17 July 2013	Transferred to Curtin IDC.
26 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.	
12 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.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.

¹ Mr X's detention placement history was not provided in DIBP's 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.

30 October 2015	DIBP advised that Mr X has been identified to be a person of interest to an external agency.
10 November 2015	DIBP invited Mr X to apply for a temporary visa.
17 January 2016	Lodged a Safe Haven Enterprise visa (SHEV) application with an associated Bridging visa application.
22 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application.
23 February 2016	DIBP requested further information from Mr X in relation to his SHEV application
15 March 2016	The associated Bridging visa application was invalid.
21 April 2016	Mr X was invited to attend an interview on 27 April 2016 in relation to his SHEV application.
29 April 2016	DIBP advised that Mr X's case has been identified for assessment against the guidelines under s 195A for the possible grant of a Bridging visa.

Health and welfare

International Health and Medical Services reported that the general practitioner continued to monitor Mr X's congenital heart disease and ongoing chest pain. He was reviewed by a cardiologist and investigations attributed his chest pain to anxiety. Mr X is scheduled to see the cardiologist again in 2017.

Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Case status

Mr X was detained on 1 May 2013 after arriving in Australia aboard *SIEV Jersey* and has been held in restricted 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 17 January 2016 Mr X lodged a SHEV application.