

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 remained in restricted immigration detention for more than 36 months (three years).

The first report 1002925 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.

Name	Mr X
Citizenship	Country A
Year of birth	1984
Ombudsman ID	1001699-O
Date of DIBP's reports	7 January 2016 and 4 July 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002925), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre.
17 August 2016	Granted a Safe Haven Enterprise visa (SHEV) and released from detention.

Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering his protection claims.
9 February 2015	The Minister declined to intervene under s 197AB of the <i>Migration Act 1958</i> to approve a community detention placement.
23 March 2015	The Minister declined to intervene under s 195A to grant a Bridging visa.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
2 December 2015	Lodged a SHEV application.
7 January 2016	DIBP advised that Mr X was considered a person of interest.

¹ 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.

25 May 2016	Found to meet the guidelines for referral to the Minister under s 195A.
17 August 2016	Granted a SHEV.

Health and welfare

International Health and Medical Services (IHMS) advised that prior to his release from detention, Mr X attended specialist counselling and was monitored by the mental health team.

IHMS further advised that Mr X received treatment for multiple physical health concerns, including low weight and complications related to a previous abdominal injury.

Other matters

Mr X's brother, Mr Y, resides in the community on a Protection visa.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 19 April 2016 Mr X said he had remained in detention for close to three years and did not know why he had not been released. He said his case manager had advised that he was considered a security risk but was unable to provide further information.

Mr X said that he felt stress and experienced sleep and memory issues. He said he had attended regular external counselling which had provided short-term relief but this had not been available for the previous two weeks. He used to take sleeping medication, but had experienced negative side effects. He said had been referred to a hospital for treatment for an arm injury a few months ago and was awaiting an appointment.

Mr X said he was in daily contact with his family. He advised that his mother resided in Country A, and he had a brother who resided in Perth.

Case status

Mr X was detained on 6 July 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Muscadine* and was held in detention for over three years.

On 17 August 2016 Mr X was granted a SHEV and released from immigration detention.