

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 1001856 was tabled in Parliament on 18 March 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	1978
Ombudsman ID	1002306
Date of DIBP's reports	23 March 2015 and 7 September 2015
Total days in detention	1,094 (at date of DIBP's latest report)

Detention history

8 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 438 <i>Saffron</i> . He was transferred to an Alternative Place of Detention, Christmas Island.
16 September 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
10 October 2012	Transferred to Curtin IDC.
24 July 2013	Transferred to Yongah Hill IDC.
1 November 2013	Transferred to Curtin IDC.
28 August 2014	Transferred to Yongah Hill IDC.

Recent 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 June 2013 – ongoing	Mr X was found to be a match against a Five Country Conference check and is a person of interest to DIBP.
12 March 2014	Mr X was notified of the unintentional release of personal information through DIBP's website. ¹ DIBP advised that the privacy breach would be taken into account when considering Mr X's protection claims.

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.

13 August 2015	Mr X received a clear security assessment. On the same day, the Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
20 August 2015	DIBP notified Mr X that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 21 August 2015.
7 September 2015	DIBP advised that it will assign Mr X a PAIS provider.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any major physical health issues since its previous report to the Ombudsman.	
24 December 2012	A DIBP Incident Report recorded that Mr X threatened self-harm. No further information was provided.
11 August 2014	A DIBP Incident Report recorded that Mr X threatened self-harm with a shard of glass. No further information was provided.
11 December 2014	IHMS advised that Mr X was reviewed by the mental health team (MHT) who noted no change in his mental health condition and that he was hopeful of a positive outcome following an interview with the Australian Security Intelligence Organisation. IHMS further advised that he remained compliant with his medication.
9 June 2015	At review with the MHT he was assessed as being of low risk of self-harm. However, he advised that he was intimidated by other detainees which impacted on his activities, mood and sleep. IHMS further reported that he isolated himself in his room at Yongah Hill IDC and remained vulnerable.

Other matters

24 May 2013	<p>Mr X lodged a complaint with the Ombudsman's office concerning his understanding that he had been granted a Bridging visa but it had been cancelled with no explanation.</p> <p>Following an investigation by the Ombudsman, DIBP confirmed that Mr X had been informed that he was being considered for a Bridging visa in May and June 2013, but as he had not passed the health, identity, character and security checks at that time he was not issued with a Bridging visa. Mr X was provided with an explanation and the complaint was finalised on 26 November 2013.</p>
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Ombudsman assessment

Mr X was detained on 8 September 2012 after arriving in Australia aboard SIEV *Saffron* and has been held in detention for over three years.

The Ombudsman notes the information provided by IHMS in June 2015 that Mr X reportedly felt intimidated by the behaviour of other detainees at Yongah Hill IDC. The Ombudsman further notes that in his tabling response of 3 February 2016 the Minister advised that DIBP has assessed the cohort of Yongah Hill IDC detainees and has commenced the relocation of identified detainees to a separate compound based on risk.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application. Mr X is awaiting to be assigned a PAIS provider in order to apply for a temporary visa. The Ombudsman makes no recommendations in this report.