

**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 a cumulative period of more than 36 months (three years).

The first report 1003184 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.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1985
<b>Ombudsman ID</b>	1001940-O
<b>Date of DIBP's reports</b>	31 January 2016 and 3 August 2016
<b>Total days in detention</b>	1097 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1003184), Mr X remained at Facility E.	
4 December 2015	Transferred to Yongah Hill IDC.
27 January 2016	Transferred to Christmas Island IDC.
12 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 <sup>1</sup> 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 of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
16 October 2015	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A for the grant of a Bridging visa.
6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
11 November 2015	The Minister declined to intervene under s 195A.
17 December 2015	Mr X lodged a Temporary Protection visa (TPV) application with an associated Bridging visa application. On 16 February 2016 the associated Bridging visa application was deemed invalid.

<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.

31 January 2016	DIBP advised that Mr X has been identified as a person of interest in relation to his alleged involvement in criminal matters.
22 February 2016	DIBP notified Mr X that although he had already submitted a temporary visa application, he had been assessed as eligible to receive the Primary Application Information Service to assist him in lodging an application. DIBP further advised that if he chose not to accept the offer of PAIS assistance, assessment of his existing application would recommence. He accepted the offer on 24 February 2016.
21 June 2016	Lodged a SHEV application with an associated Bridging visa application in place of the previous TPV application. On 18 July 2016 the associated Bridging visa application was deemed invalid.
20 July 2016	Found not to meet the guidelines for referral to the Minister under s 195A.
12 August 2016	Granted a SHEV.

### Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X was placed on Supportive Monitoring and Engagement observations in May 2016 after presenting with thoughts of self-harm, situational stress and detention fatigue. He continued to attend psychological counselling and group therapy and was monitored by the mental health team.</p> <p>IHMS further advised that Mr X was reviewed by the general practitioner for multiple physical health concerns, including abdominal and musculoskeletal pain.</p>	
6 May 2016 – 1 August 2016	DIBP Incident Reports recorded that Mr X was closely monitored by Serco officers on multiple occasions following threats of self-harm, actual self-harm and suicidal thoughts.
20 July 2016	DIBP Incident Reports recorded that Mr X was admitted to hospital for treatment after being assaulted by multiple detainees.
2 August 2016	DIBP Incident Reports recorded that Mr X was closely monitored by Serco officers and referred for a mental health assessment following an incident of self-harm and attempted suicide.

### Recent detention incidents

<p>DIBP Incident Reports recorded that Mr X was allegedly involved in multiple behavioural incidents, including assaults and displaying threatening and aggressive behaviour towards other detainees and detention centre staff.</p>
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**Information provided by Mr X**

During a telephone conversation with Ombudsman staff on 25 July 2016 Mr X said that he was admitted to hospital for treatment after being assaulted by other detainees and had been transferred to alternative accommodation for his own safety. He advised that this assault was not an isolated incident and that certain cohorts of detainees at Christmas Island IDC regularly intimidate and threaten other detainees. Mr X also raised concerns about Serco staff and said they do not intervene when detainees threaten and intimidate other detainees.

Mr X reported that his personal property went missing during the riots at Christmas Island IDC and many items have not yet been returned.

**Case status**

Mr X was granted a SHEV on 12 August 2016 and released from immigration detention.