

**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 1003002 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.

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| Name | Mr X |
| Citizenship | Country A |
| Year of birth | 1986 |
| Ombudsman ID | 1001775-O |
| Date of DIBP's reports | 11 January 2016 and 11 July 2016 |
| Total days in detention | 1095 (at date of DIBP's latest report) |

Recent detention history

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| Since the Ombudsman's previous report (1003002), Mr X remained at Facility B. | |
| 16 June 2016 | Transferred to Facility C. |

Recent visa applications/case progression

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| 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. |
| 6 November 2015 | The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a temporary visa application. |
| 2 March 2016 | The Minister considered a first stage submission for the possible grant of a Bridging visa under s 195A but declined to intervene. |
| 7 January 2016 | Lodged a Safe Haven Enterprise visa (SHEV) application. |
| 12 May 2016 | Attended an interview in relation to his SHEV application. |
| 11 July 2016 | DIBP advised that Mr X remained a person of interest in relation to his alleged involvement in criminal matters. |

Health and welfare

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| International Health and Medical Services (IHMS) advised that Mr X received psychological counselling for major depression, anxiety and insomnia and was prescribed with medication. He disclosed that he continues to experience ongoing harassment by other detainees for being in a homosexual relationship. IHMS further advised that Mr X was reviewed by an orthopaedic surgeon following a knee injury and referred for a surgical procedure and physiotherapy. He was placed on a hospital waiting list and continues to be prescribed with pain relief medication as required. | |
| 15 December 2015 and 2 January 2016 | DIBP Incident Reports recorded that Mr X refused food and fluid as a form of protest. |

Other matters

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| 26 October 2015 | Mr X lodged a complaint with the Australian Human Right's Commission (AHRC). On 24 May 2016 the AHRC finalised its investigation of the complaint. |
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Information provided by Mr X

During an interview with Ombudsman staff at Facility B in April 2016 Mr X advised that he and his partner, Mr Y, had obtained a commitment certificate.

Mr X reported that he and his partner are taunted and teased by other detainees for being in a homosexual relationship and Serco staff often make inappropriate comments and intimidating gestures. He said he experiences depression related to this ongoing harassment and has lodged a request for counselling on multiple occasions.

Case status

Mr X was detained on 12 July 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Aliceville* and has been held in restricted detention for over three and a half 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 7 January 2016 Mr X lodged a SHEV application.