

## 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 42 months (three and a half years).

The first report 1001863<sup>1</sup> 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.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1983
<b>Ombudsman ID</b>	1002350
<b>Date of DIBP's reports</b>	26 March 2015, 11 September 2015 and 10 March 2016
<b>Total days in detention</b>	1276 (at date of DIBP's latest report)

### Detention history

11 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard SIEV 446 <i>Aaron</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
22 September 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
17 October 2012	Transferred to Wickham Point IDC.
11 November 2012	Transferred to Scherger IDC.
25 January 2014	Transferred to Curtin IDC.
28 August 2014	Transferred to Yongah Hill IDC.
31 July 2015	Transferred to Wickham Point APOD.
18 April 2016	Granted a Bridging visa and released from detention.

### 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 <sup>2</sup> and advised that the privacy breach would be taken into account when considering his protection claims.

<sup>1</sup> Mr X was previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) 446 *Aaron*.

<sup>2</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.

13 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
31 August 2015	DIBP invited Mr X to lodge a temporary visa application.
11 September 2015	DIBP advised that Mr X was previously a person of interest in relation to alleged foreign criminal charges.
30 November 2015	Lodged a Temporary Protection visa (TPV) application with an associated Bridging visa application.
18 December 2015	DIBP requested further information from Mr X in relation to his TPV application.
28 January 2016	Mr X's case was referred on a first stage submission for consideration under s 195A for the grant of a Bridging visa.
4 February 2016	DIBP advised that Mr X provided part of the documentation requested to support his TPV application.
5 February 2016	Associated Bridging visa application was considered invalid.
22 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the assistance on 29 February 2016.
10 March 2016	DIBP advised that it was yet to allocate Mr X with a PAIS provider.
18 April 2016	Granted a Bridging visa.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any major physical health issues.	
17 January 2013	Mr X disclosed a history of torture and trauma and was referred for specialist counselling.
6 April 2013 – 5 January 2014	Attended multiple specialist counselling sessions.
11 April 2014	A DIBP Incident Report recorded that Mr X threatened self-harm.
23 August 2014	Reviewed by a psychiatrist who reported that Mr X presented with anxiety and insomnia related to his prolonged detention. The psychiatrist did not make any diagnosis but recommended Mr X be assessed and monitored by the mental health team (MHT).
30 September 2014	IHMS advised that the MHT monitored and provided support to Mr X as needed.
December 2014	During a mental health assessment Mr X advised that he did not require ongoing mental health support. He was encouraged to self-refer as needed.
2 February 2016	IHMS advised that Mr X attended counselling with the MHT for situational issues and insomnia.

**Case status**

Mr X was granted a Bridging visa on 18 April 2016 and released from immigration detention.

Mr X was detained on 11 September 2012 after arriving in Australia aboard *SIEV Aaron* and was held in detention for over three and a half years before being granted a Bridging visa.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa.

On 29 February 2016 Mr X accepted the PAIS assistance to assist with lodging his application.