

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

The first report 1002829 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	1986
Ombudsman ID	1001618-O
Date of DIBP's reports	21 December 2015 and 20 June 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002829), Mr X has remained at Yongah Hill Immigration Detention Centre.

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 of the *Migration Act 1958*.

13 March 2014	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.
13 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
3 September 2015	DIBP invited Mr X to lodge a temporary visa application.
19 October 2015	Lodged a Safe Haven Enterprise visa (SHEV) application with an associated Bridging visa application.
15 January 2016	Associated Bridging visa application deemed invalid.
18 March 2016	Attended an interview in relation to his SHEV application.
29 March 2016	Mr X provided additional information in relation to his SHEV application.

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.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and presented with symptoms of insomnia and detention fatigue. He was prescribed with medication and referred for specialist counselling. He was advised to self-refer to the mental health team as required.

IHMS further advised that Mr X received treatment for chronic back pain and was reviewed at a hospital spinal surgery clinic. His condition continues to be monitored by the general practitioner.

Case status

Mr X was detained on 13 October 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Gaggin* and has been held in restricted detention for a cumulative period of over three years.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 19 October 2015 Mr X lodged a SHEV application.