

**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 36 months (three years).

The first report 1003159 was tabled in Parliament on 15 April 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	1985
Ombudsman ID	1001915-O
Date of DIBP's reports	22 January 2016 and 22 July 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003159), Mr X remained at Facility C.	
15 May 2016	Transferred to Brisbane Immigration Transit Accomodation.
28 September 2016	Granted a Safe Haven Enterprise visa (SHEV) and released from detention.

Recent visa applications/case progression

13 March 2014	The Department of Immigration and Border Protection (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.
10 September 2015	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
14 October 2015	The Minister declined to intervene under s 195A.
4 November 2015	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 offer on 26 November 2015.
29 March 2016	Lodged a 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.

30 April 2016	The Minister agreed to consider Mr X's case under s 195A and DIBP advised that it would refer a second stage ministerial submission.
28 September 2016	Granted a SHEV.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X had a history of depression and self-harm prior to arrival in Australia. While held in restricted detention, he was placed on supportive monitoring by the mental health team on a number of occasions following incidents of self-harm and suicide attempts. On 16 June 2016 Mr X was admitted to a psychiatric hospital after experiencing ongoing panic attacks, depression and anxiety. The hospital psychiatrist recommended that he be released into the community.

IHMS further advised that Mr X received treatment for a knee injury and was placed on a hospital waiting list for a surgical procedure.

Information provided by Mr X

During an interview with Ombudsman staff at Facility C in April 2016 Mr X said that he suffered panic attacks, heard noises in his head and was distressed, scared and exhausted. He disclosed that he had experienced mental health concerns for years related to his childhood exposure to torture and trauma and his condition was deteriorating. He said that he had been admitted to hospital for treatment on multiple occasions and was last admitted to hospital only a few nights previously.

Mr X said that he attended psychological counselling but did not find it effective. He said that IHMS only offered him different types of medication which did not reduce his symptoms.

Case status

Mr X was detained on 24 July 2013 arriving in Australia aboard Suspected Illegal Entry Vessel *Fruitdale* and was held in restricted detention for over three years.

On 28 September 2016 Mr X was granted a SHEV and released from immigration detention.