

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

The first report 1002931 was tabled in Parliament on 29 April 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>	1986
<b>Ombudsman ID</b>	1001705-O
<b>Date of DIBP's reports</b>	6 July 2016 and 4 January 2017
<b>Total days in detention</b>	1276 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1002931), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
21 June 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).

**Recent visa applications/case progression**

Mr X arrived in Australia by sea between 13 August 2012 and 19 July 2013. He was transferred to a Regional Processing Centre and subsequently returned to immigration detention in Australia. Prior to being classified as a 'fast track' applicant, Mr X was part of a cohort who were unable to have their protection claims assessed as they were subject to bars under ss 46A and 46B of the of the <i>Migration Act 1958</i> .	
18 April 2016	The Minister lifted the bars under ss 46A and 46B to allow Mr X to lodge a temporary visa application.
21 April 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 26 April 2016 and was assigned a provider.
9 June 2016	Found not to meet the guidelines for referral to the Minister under s 195A.
26 August 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.
15 December 2016	SHEV application refused.
22 December 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.

## **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X refused food and fluid as a form of protest in December 2015 and was monitored daily. A mental health review in January 2016 noted that he displayed symptoms of detention fatigue, low mood and anxiety associated with his ongoing detention.

IHMS further advised that Mr X was treated for chronic back pain with physiotherapy and pain relief medication.

## **Information provided by Mr X**

During an interview with Ombudsman staff at Wickham Point APOD on 19 April 2016 Mr X advised that during his first interview with the Department of Immigration and Border Protection he was misunderstood and it was subsequently recorded that he had allegedly been involved in criminal activity in his home country. He stated that he was given the opportunity to provide further information about this concern in writing two years ago but he had not been advised of the outcome.

Mr X advised that when he was at Curtin IDC, his case manager had said his security clearance had been finalised but his case manager at Wickham Point APOD had not been able to confirm this. He expressed concerns about his ongoing detention and uncertainty relating to his immigration status.

## **Case status**

Mr X was detained on 16 June 2013 after arriving in Australia by sea and has been held in restricted detention for more than three and a half years.

On 18 April 2016 the Minister lifted the bars under ss 46A and 46B to allow Mr X to apply for a temporary visa and on 26 August 2016 Mr X lodged a SHEV application.

Mr X's SHEV application was refused on 15 December 2016 and on 22 December 2016 his case was referred to the IAA for review.