

**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 immigration detention for more than 42 months (three and a half years).

The first report 1001947<sup>1</sup> was tabled in Parliament on 13 May 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>	1970
<b>Ombudsman ID</b>	1003250
<b>Date of DIBP's reports</b>	29 April 2015, 21 October 2015 and 13 April 2016
<b>Total days in detention</b>	1269 (at date of DIBP's latest report)

**Detention history**

22 October 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia with his wife Ms Y and stepson Master Z aboard Suspected Illegal Entry Vessel (SIEV) 492 <i>Venn</i> . The family were transferred to an Alternative Place of Detention (APOD), Christmas Island.
31 October 2012	Transferred with his family to Darwin Airport Lodge APOD.
20 December 2012	Transferred with his family to Port Augusta Immigration Residential Housing (IRH).
15 January 2013	Transferred with his family to Adelaide Immigration Transit Accommodation.
17 January 2013	Transferred with his family to Port Augusta IRH.
12 March 2013	Transferred with his family to community detention.  The Department of Immigration and Border Protection (DIBP) advised that Mr X separated from Ms Y on 19 April 2013 and that Ms Y and her son are living in the community on Bridging visas.

**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.	
13 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 SIEV 492 *Venn*.

<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.

26 May 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
14 July 2015	DIBP invited Mr X to lodge a temporary visa application.
11 August 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
24 September 2015	Attended an interview in relation to his SHEV application. He provided further information to support his application on 6 October 2015, 8 October 2015 and 3 November 2015.
13 April 2016	DIBP advised that Mr X was being considered for inclusion on a ministerial submission under s 195A for the grant of a Bridging visa.

**Health and welfare**

International Health and Medical Services (IHMS) reported that Mr X has received specialist treatment for hepatitis C and the human immunodeficiency virus. IHMS advised that he will continue to be reviewed and treated for these conditions.

IHMS also advised that Mr X disclosed a history of torture and trauma with post-traumatic stress disorder and was attending weekly specialist counselling. IHMS advised that as of September 2015 he was no longer receiving any treatment or support for mental health issues and had not presented to a general practitioner with any concerns.

**Case status**

Mr X was detained on 22 October 2012 after arriving in Australia aboard SIEV *Venn* and has been held in detention for over three and a half years.

On 26 May 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 11 August 2015 Mr X lodged a SHEV application.