

**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 1003172 was tabled in Parliament on 2 March 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	1980
Ombudsman ID	1001928-O
Date of DIBP's reports	27 January 2016 and 29 July 2016
Total days in detention	1099 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003172), Mr X remained at Facility B.	
30 June 2016	Transferred to Yongah Hill Immigration Detention Centre.
2 August 2016	Granted a Safe Haven Enterprise visa (SHEV) and released from detention.

Recent visa applications/case progression

12 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.
29 September 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
7 October 2015	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A for the grant of a Bridging visa.
14 October 2015	The Minister declined to intervene under s 195A.
6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
27 January 2016	DIBP advised that Mr X was previously considered a person of interest.

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.

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 offer on 29 February 2016 and was assigned a PAIS provider.
20 April 2016	Lodged a SHEV application.
26 May 2016	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A for the grant of a Bridging visa. On 30 June 2016 the Minister agreed to consider a second stage submission.
2 August 2016	Granted a SHEV.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X was monitored by the IHMS mental health team and attended counselling after expressing ongoing anger and frustration related to his immigration status.</p> <p>IHMS further advised that Mr X received treatment for multiple physical health concerns, including recurring tonsillitis and chronic leg pain related to a previous injury. He underwent a surgical procedure on his leg in July 2015 and underwent a tonsillectomy in December 2015.</p>	
28 June 2016	A DIBP incident report recorded that Mr X suffered chest pain and was taken to hospital by ambulance.

Information provided by Mr X

<p>During an interview with Ombudsman staff at Wickham Point APOD on 19 April 2016 Mr X advised that he regularly spoke with his case manager and had lodged a SHEV application. He said the Minister had declined to grant him a community detention placement or a Bridging visa and he did not know why he remained in restricted detention.</p> <p>Mr X said he believed he had been considered a person of interest because he was involved in an altercation with another detainee at Christmas Island IDC. Mr X said he had become addicted to a strong pain relief medication he was taking to manage his chronic leg pain and experienced uncontrollable anger as a result. Mr X said it was not in his nature to be aggressive and he had reconciled with the other detainee after the incident.</p> <p>Mr X said he was distressed in restricted detention and had become very sensitive to noise and movement. He said he experienced nightmares and poor sleep and did not find the IHMS mental health team effective.</p>	
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Case status

<p>Mr X was detained on 25 July 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel <i>Kinston</i> and was held in detention for over three years.</p> <p>On 2 August 2016 Mr X was granted a SHEV and released from immigration detention.</p>	
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