

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 immigration detention for more than 48 months (four years).

The first report 1002644 was tabled in Parliament on 14 October 2015. 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	1998
Ombudsman ID	1003507
Date of DIBP's reports	12 October 2015, 11 April 2016 and 10 October 2016
Total days in detention	1458 (at date of DIBP's latest report)

Detention history

13 October 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 14 aboard Suspected Illegal Entry Vessel (SIEV) 478 <i>Hanworth</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
19 October 2012	Transferred to Darwin Airport Lodge APOD.
3 January 2013	Transferred to community detention.
19 October 2016	Granted a Bridging visa and released from community detention.

Recent visa applications/case progression

17 December 2012	The former Minister intervened under s 197AB to allow Mr X to reside in community detention.
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.
16 June 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
9 July 2015 and 12 August 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 20 August 2015 and was assigned a PAIS provider.
21 October 2015	Lodged a Safe Haven Enterprise visa (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.

19 September 2016	SHEV application was refused. His case was referred to the Immigration Assessment Authority (IAA) for review.
28 September 2016	Found to meet the guidelines for referral to the Minister under s 195A for the grant of a Bridging visa.
19 October 2016	Granted a Bridging visa.

Health and welfare

International Health and Medical Services advised that Mr X did not require treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Case status

Mr X was detained on 13 October 2012 after arriving in Australia as an unaccompanied minor aged 14 aboard SIEV *Hanworth* and was held in detention for over four years.

On 16 June 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 21 October 2015 Mr X lodged an application for a SHEV. Mr X's SHEV application was refused on 19 September 2016 and his case was referred to the IAA for review.

Mr X was granted a Bridging visa on 19 October 2016 and released from immigration detention.