

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O report on Mr X who has remained in immigration detention for more than 78 months (six and a half years). The previous reports are:

878/12 tabled in Parliament on 26 June 2013

1001070 tabled in Parliament on 5 March 2014

1001607 tabled in Parliament on 4 March 2015

1002086 tabled in Parliament on 12 August 2015.

This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1963
Ombudsman ID	1002679
Date of DIBP's reports	9 June 2015, 7 December 2015 and 6 June 2016
Total days in detention	2368 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002086), Mr X has remained in community detention with his cousin and carer, Mr Y, who is the subject of Ombudsman report 1002678.

Recent visa applications/case progression

16 April 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information. ¹
24 July 2015	Mr X received a non-prejudicial security clearance.
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.
24 November 2015	DIBP invited Mr X to lodge a temporary visa application.
16 May 2016	Mr X was found to meet the guidelines for referral to the Minister under s 195A.

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.

6 June 2016	DIBP advised that Mr X's disabilities and lack of access to a migration agent are preventing him from lodging a temporary visa application. Further, his access to the Immigration Advice and Application Assistance Scheme had lapsed and he is ineligible for the Primary Application and Information Service (PAIS). DIBP advised that it is investigating other options that may be available to Mr X to assist him with lodging a temporary visa application.
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Health and welfare

International Health and Medical Services advised that Mr X's previously reported conditions of bilateral deafness, type 2 diabetes, hypertension and schizophrenia continued to be monitored and managed by a general practitioner. Mr X remains on a waiting list to be assessed for a cochlear implant.

Ombudsman assessment

Mr X has been found to be owed protection under the complementary protection criterion.

Mr X was detained on 10 December 2009 after arriving in Australia aboard Suspected Illegal Entry Vessel *Hackney* and has been held in detention for over six and a half years. He has been detained in community detention since 1 June 2012.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 24 November 2015 DIBP invited Mr X to apply. The Ombudsman notes that DIBP is investigating options to assist Mr X with lodging a temporary visa application as he is not eligible for PAIS. The Ombudsman makes no recommendations in this report.