

## REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fourth s 486O report on Mr X who has remained in immigration detention for more than 60 months (five years).

The first report 1001158 was tabled in Parliament on 18 June 2014, the second report 1001785 was tabled in Parliament on 18 March 2015 and the third report 1002236 was tabled in Parliament on 2 March 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1981
<b>Ombudsman ID</b>	1000880-O
<b>Date of DIBP's reports</b>	10 February 2016 and 6 August 2016
<b>Total days in detention</b>	1822 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002236), Mr X remained at Wickham Point Alternative Place of Detention.	
30 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

### Recent visa applications/case progression

13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information. <sup>1</sup>  DIBP subsequently advised that the privacy breach was taken into account during the assessment of Mr X's protection claims on 10 September 2014.
6 August 2016	DIBP advised that Mr X continues to refuse to engage or to sign a Code of Behaviour <sup>2</sup> and is therefore unable to be considered for the grant of a Bridging visa.  Mr X has no matters before DIBP, the courts or tribunals and remains on a removal pathway.

<sup>1</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.

<sup>2</sup> Since 14 December 2013 all adult maritime arrivals must sign a Code of Behaviour before they can be considered for the grant of a Bridging visa. The Code of Behaviour was introduced to help ensure that maritime arrivals living in the community on Bridging visas are aware of community behavioural expectations and behave appropriately while in the Australian community.

**Health and welfare**

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues and has declined to engage with the mental health team or attend mental health reviews.

**Case status**

Mr X has been found not to be owed protection under the Refugee Convention and complementary protection criterion. He has no ongoing matters before DIBP, the courts or tribunals and is on a removal pathway.