

## 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 1003210 was tabled in Parliament on 24 February 2016. 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>           | 1990                                   |
| <b>Ombudsman ID</b>            | 1001960-O                              |
| <b>Date of DIBP's reports</b>  | 8 February 2016 and 7 August 2016      |
| <b>Total days in detention</b> | 1094 (at date of DIBP's latest report) |

### Recent detention history

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|--|--|
| Since the Ombudsman's previous report (1003210), Mr X remained at Christmas Island Immigration Detention Centre (IDC). |  |
| 9 October 2015   | Transferred to Wickham Point Alternative Place of Detention. |
| 30 June 2016   | Transferred to Yongah Hill IDC.                              |
| 19 October 2016  | Granted a Bridging visa and released from detention.         |

### 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> 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.  |
| 5 November 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 6 November 2015 and was assigned a PAIS provider.            |
| 30 March 2016     | Lodged a Safe Haven Enterprise visa (SHEV) application.  |
| 26 July 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.  |
| 19 October 2016   | Granted a Bridging visa.   |

<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.

**Criminal history**

|                  |   |
|------------------|---|
| 26 February 2016 | Mr X appeared before a Magistrates Court and received a spent conviction with a six-month conditional release order of \$100. |
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**Health and welfare**

International Health and Medical Services advised that Mr X received supportive counselling for anxiety and adjustment disorder and was monitored by the mental health team.

**Other matters**

Mr X arrived in Australia with his brother, Mr Y, who currently resides in the community on a Bridging visa.

**Information provided by Mr X**

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

**Case status**

Mr X was detained on 9 August 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Ivalee* and was held in restricted detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 30 March 2016 Mr X lodged a SHEV application.

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