

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

The first report 1002443 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	1997
Ombudsman ID	1001332-O
Date of DIBP's reports	4 November 2015, 4 May 2016 and 2 November 2016
Total days in detention	1458 (at date of DIBP's latest report)

Detention history

5 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel (SIEV) 518 <i>Willys</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
18 March 2013 – 25 July 2013	Transferred seven times between various immigration detention facilities.
18 September 2013	Transferred to community detention.
Mr X resides in community detention with his parents, Ms Y and Mr Z who are the subjects of Ombudsman report 1001513-O.	

Visa applications/case progression

5 September 2013	The former Minister intervened under s 197AB to allow Mr X to reside in community detention.
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.
11 June 2015	Found not to meet the guidelines for referral to the former Minister under s 195A.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa 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.

11 November 2015	DIBP invited Mr X to lodge a temporary visa application.
22 March 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 7 April 2016 and was assigned a PAIS provider.
31 October 2016	Mr X and his family lodged a Safe Haven Enterprise visa (SHEV) application.

Health and welfare

International Health and Medical Services advised that Mr X continued to be monitored by his general practitioner and was placed on a mental health care plan. In August 2015 he presented with symptoms of anxiety and depression and attended psychological counselling.

Case status

Mr X was detained on 5 November 2012 after arriving in Australia aboard SIEV *Willys* and has been held in detention for over four 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 13 October 2016 Mr X lodged a SHEV application.