

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X who has remained in immigration detention for more than 78 months (six and a half years). The previous assessment 1000741-O was tabled in Parliament on 15 February 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1963
Ombudsman ID	1000741-O1
Date of DIBP's reports	26 November 2016 and 28 May 2017
Total days in detention	2,368 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment (1000741-O), Mr X has continued to be placed in the community.¹

Recent visa applications/case progression

13 October 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 15 October 2016 and listed his daughter Miss Y ² as his dependent. He was subsequently assigned a provider.
26 November 2016	The Department of Immigration and Border Protection (the department) advised that the unintentional release of personal information ³ would be taken into account when considering Mr X's protection claims.
14 March 2017	The department informed Mr X that he should contact his PAIS provider in order to expedite the completion of his temporary visa application.

Health and welfare

International Health and Medical Services advised that Mr X received treatment and attended physiotherapy for the management of chronic back pain.

¹ Mr X was granted a placement in the community under s 197AB and remains in immigration detention.

² Miss Y resides with her mother, Ms Z and her half-brother, Mr P. Ms Z is estranged from Mr X.

³ In a media release dated 19 February 2014 the Minister advised that an immigration detention statistics report was released on the department's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as the department became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by the department.

Case status

Mr X was detained on 2 December 2010 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for more than six and a half years.

On 6 January 2016 the Minister lifted the bar under s 46A of the *Migration Act 1958* to allow Mr X to apply for a temporary visa. On 15 October 2016 Mr X accepted the PAIS assistance and was assigned a provider to assist with lodging his application.