

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABELING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X who remained in restricted immigration detention for a cumulative period of more than 42 months (three and a half years).

The first report 1001096 was tabled in Parliament on 11 December 2013 and the second report 1001395 was tabled in Parliament on 27 August 2014. 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	1977
Ombudsman ID	1001647
Date of DIBP's reports	26 June 2014 and 20 April 2015 ¹
Total days in detention	1,396 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001395), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
14 April 2014	Transferred to Perth Watch House and subsequently to Q Prison.

Recent visa applications/case progression

9 September 2014	The Department of Immigration and Border Protection (DIBP) issued Mr X with an invitation to comment on the unintentional release of personal information. ²
26 September 2014	Mr X provided his response.
16 January 2015	DIBP notified Mr X that it had commenced an International Treaties Obligations Assessment (ITOA) in relation to the privacy breach.
15 April 2016	DIBP advised that Mr X is serving a nine year and six month sentence for his involvement in the unlawful possession of a controlled substance and, as a result of his incarceration, he is no longer subject to reporting requirements under s 486N.

¹ DIBP advised that it did not meet its statutory obligations in relation to Mr X due to unforeseen technical difficulties which precluded normal reporting procedures from being followed.

² 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

14 April 2014	Mr X was charged with possession of a controlled drug following the discovery of contraband in his possession. He was arrested by the Australian Federal Police (AFP) and remanded in custody. He was scheduled to appear before the G Magistrates Court on 27 June 2014.
20 April 2015	DIBP advised that Mr X continued to await the outcome of charges laid by the AFP. His next court hearing before the G District Court was scheduled for 8 June 2015.
15 April 2016	DIBP advised that Mr X is serving a nine year and six month sentence, with a non-parole period of seven years, for his involvement in the unlawful possession of a controlled substance.

Health and welfare

DIBP advised that while Mr X was subject to reporting under s 486N, his health and welfare was managed by the Department of Corrective Services, Western Australia.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion.

DIBP has advised that Mr X is serving a sentence for his involvement in the unlawful possession of a controlled substance and, as a result of his incarceration, he is no longer subject to reporting requirements under s 486N.