

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X and his family who have remained in immigration detention for more than 42 months (three and a half years).

Name	Mr X (and family)
Citizenship	Stateless (claimed), born in Country A
Year of birth	1987

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Stateless (claimed), born in Country A	Stateless (claimed), born in Country A
Year of birth	1993	2009

Ombudsman ID	1003319
Date of DIBP's reports	26 March 2015, 21 September 2015 and 16 March 2016
Total days in detention	1,276 (at date of DIBP's latest report)

Detention history

17 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 447 <i>Babbage</i> . The family were transferred to an Alternative Place of Detention (APOD), Christmas Island.
20 September 2012	Transferred to Christmas Island Immigration Detention Centre.
3 October 2012	Transferred to Christmas Island APOD.
6 January 2013	Transferred to Darwin Airport Lodge APOD.
31 January 2013	Transferred to community detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Mr X and his family were part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A.	
10 October 2013	Lodged a Protection visa application.
13 March 2014	DIBP notified Mr X and his family of the unintentional release of personal information. ¹

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.

30 September 2014	Protection visa application deemed invalid.
30 June 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
14 July 2015	DIBP invited Mr X and his family to apply for a temporary visa.
18 August 2015	The family requested an extension of time to lodge a temporary visa application.
21 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) application which triggered an associated Bridging visa.
22 December 2015	DIBP requested further information from Mr X and his family in relation to their SHEV application.
15 February 2016	Associated Bridging visa was deemed invalid.
16 March 2016	DIBP advised that Mr X remains a person of interest for alleged criminal activities offshore.

Health and welfare

Mr X

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Mr X for the period 17 September 2012 to 26 March 2015.	
27 March 2015 – 9 February 2016	IHMS advised that Mr X has not required treatment for any major physical or mental health issues.

Ms Y

DIBP did not provide an IHMS Health Summary Report for Ms Y for the period 17 September 2012 to 26 March 2015.	
23 September 2013	A DIBP Incident Report reported that Ms Y was eight weeks pregnant.
April 2014	A DIBP Incident Report recorded that she gave birth to a daughter. ²
31 July 2015 – ongoing	Ms Y was diagnosed with anaemia. She was prescribed with oral iron supplements but required a stronger dosage and commenced iron injections. She is monitored by a GP.

Miss Z

DIBP did not provide an IHMS Health Summary Report for Miss Z for the period 17 September 2012 to 26 March 2015.	
27 March 2015 – 9 February 2016	IHMS advised that Miss Z has not required treatment for any major physical or mental health issues.

² Miss Q was born in Australia in April 2014. She has been in detention for less than two years and is not subject to reporting under s 486N.

Other matters

DIBP advised that Mr X's nephew, Master R, resides with the family in community detention. He is not included in the family's review as he is on a separate immigration pathway and is the subject of Ombudsman report 1003428.

Case status

Mr X and his family were detained on 17 September 2012 after arriving in Australia aboard SIEV *Babbage* and has been held in detention for over three and a half years.

On 30 June 2015 the Minister lifted the bar under s 46A to allow the family to apply for a temporary visa and on 21 December 2015 the family lodged a SHEV application.