

## 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 36 months (three years).

The first report 1002482 was tabled in Parliament on 11 November 2015. This report updates the material in that report and should be read in conjunction with the previous report.

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|--------------------------------|--|
| <b>Name</b>                    | Mr X                                   |
| <b>Citizenship</b>             | Country A                              |
| <b>Year of birth</b>           | 1998                                   |
| <b>Ombudsman ID</b>            | 1003513                                |
| <b>Date of DIBP's reports</b>  | 16 October 2015 and 15 April 2016      |
| <b>Total days in detention</b> | 1094 (at date of DIBP's latest report) |

### Recent detention history

|               |  |
|---------------|--|
| 16 April 2013 | 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) 663 <i>Maidstone</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. |
| 21 April 2013 | Transferred to Christmas Island Immigration Detention Centre.  |
| 20 May 2013   | Transferred to Pontville APOD.   |
| 5 August 2013 | Transferred to community detention.  |

### Recent visa applications/case progression

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| The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Mr X was 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. |  |
| 5 August 2013  | The former Minister intervened under s 197AB to allow Mr X to reside in community detention.   |
| 28 April 2014  | 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.   |
| 30 June 2015   | The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.   |
| 23 July 2015   | Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 18 August 2015. |
| 16 October 2015  | Lodged a Safe Haven Enterprise visa (SHEV) application.  |

<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.

### **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X received psychiatric treatment after presenting with sleep concerns and was placed on Supportive Monitoring and Engagement observations following incidents of self-harm.

Following his transfer to community detention, Mr X continued to be monitored by the general practitioner (GP) and was referred for psychological counselling.

IHMS further advised that Mr X received treatment for headaches and eye abnormalities. He was referred to a specialist for review and continued to be monitored by the GP.

### **Case status**

Mr X was detained on 16 April 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Maidstone* and has been held in detention for over three years.

On 30 June 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 16 October 2015 Mr X lodged a SHEV application.