

**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 and his family who have remained in immigration detention for more than 42 months (three and a half years).

The first report 1001979¹ was tabled in Parliament on 12 August 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1987
Total days in detention	1291 (at date of DIBP's latest report)

Family details

Family members	Ms Y (wife)	Master Z (son) ²
Citizenship	Country A	Country A, born in Australia
Year of birth	1992	2013
Total days in detention	1291 (at date of DIBP's latest report)	Not provided

Ombudsman ID	1003348
Date of DIBP's reports	11 May 2015, 2 November 2015 and 17 May 2016

Detention history

3 November 2012	Mr X and Ms Y were detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 516 <i>Ultima</i> . They were transferred to an Alternative Place of Detention (APOD), Christmas Island.
20 December 2012	Transferred to Darwin Airport Lodge APOD.
31 January 2013	Mr X was transferred to Northern Immigration Detention Centre (IDC) following an alleged incident of domestic violence. Ms Y remained at Darwin Airport Lodge APOD.
5 February 2013	Mr X was transferred to Darwin Airport Lodge APOD and reunited with Ms Y.
5 April 2013	The family were transferred to community detention.

¹ Mr X and Ms Y were previously reported on in a group report.

² Master Z was born in Australia in August 2013 and was the subject of an individual report under s 486N. He was previously reported on in Ombudsman report 1002338-O and is now included in his family's report.

Recent 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.	
12 March 2013	The former Minister intervened under s 197AB to allow Mr X and Ms Y to reside in community detention.
13 March 2014	DIBP notified Mr X of the unintentional release of personal information ³ and advised that the privacy breach would be taken into account when considering the family's protection claims.
29 September 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
2 November 2015	DIBP advised that Mr X was identified as a person of interest in relation to his alleged involvement in people smuggling activities.
11 November 2015	DIBP invited Mr X and his family to lodge a temporary visa application.
4 January 2016	Lodged a Safe Haven Enterprise visa (SHEV) application with an associated Bridging visa application.
27 April 2016	Associated Bridging visa application deemed invalid.

Other legal matters

13 February 2013	Mr X appeared before the City B Magistrates Court in relation to an alleged incident of domestic violence and was placed on a 12-month good behaviour bond.
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Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X received ongoing treatment for asthma and is monitored by a general practitioner (GP).	
17 July 2013	A DIBP Incident Report recorded that Mr X threatened self-harm.

Ms Y

IHMS advised that Ms Y received treatment for gestational diabetes and asthma and was supported by a GP for symptoms of anxiety related to her pregnancy.	
August 2013	Ms Y gave birth to her son without complication.
August 2015	Ms Y gave birth to her daughter ⁴ without complication.

³ 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.

⁴ Miss Q was born in Australia in August 2015. She has been in detention for less than two years and is not subject to reporting under s 486N.

Master Z

IHMS advised that Master Z was diagnosed with flat head syndrome and receives specialist treatment from a physiotherapist and the plagiocephaly clinic.

Case status

Mr X and Ms Y were detained on 3 November 2012 after arriving in Australia aboard SIEV *Ultima* and have been held in detention for over three and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X and his family to apply for a temporary visa and on 4 January 2016 the family lodged a SHEV application.