

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 48 months (four years). The previous assessment 1001753-O was tabled in Parliament on 14 June 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	1001753-O1
Date of department's report	7 July 2017
Total days in detention	1,458 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Yongah Hill Immigration Detention Centre.	
29 August 2017	Granted a bridging visa and released from immigration detention.

Recent visa applications/case progression

20 February 2017 – 2 June 2017	Lodged multiple bridging visa applications the latest of which was refused on 9 June 2017.
7 July 2017	The Department of Home Affairs (the department) advised that Mr X's case required further assessment in relation to the unintentional release of personal information ¹ and options were being considered.
27 September 2017	A hearing was scheduled in the Federal Court (FC) in relation to the unintentional release of personal information.

Health and welfare

International Health and Medical Services advised that Mr X continued to receive treatment for a cerebral blood vessel disease, high cholesterol, hypertension and epigastric concerns. He attended a specialist neurological review in May 2017 where it was noted that Mr X had not displayed any symptoms related to his cerebral condition and advised that he attend a follow-up review in six months. He continued to be monitored by a general practitioner and was referred for a specialist stroke review.	
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¹ 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.

Information provided by Mr X

During an interview with Ombudsman staff on 25 May 2017 Mr X advised that his case was currently before the FC in relation to the unintentional release of personal information. He advised that he was currently awaiting a decision regarding lifting the bar under s 48A and the possible grant of a bridging visa. He stated that he did not have a lawyer or legal assistance and that he spoke to his case manager monthly.

He advised that he had previously experienced a stroke and that his physical health was not very good. He stated that he had difficulty thinking clearly and he believed that his extended time in an immigration detention facility may be contributing to his difficulties. He stated that he did receive counselling but that he did not find it very helpful.

He stated that his son lived in Sydney and he spoke to him over the telephone. He advised that he had previously lodged a request to be moved closer to his son and that their continued separation was his biggest concern.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of the department's report Mr X was awaiting the outcome of judicial review.

Mr X was granted a bridging visa on 29 August 2017 and released from immigration detention.