

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 remained in immigration detention for more than 30 months (two and a half years).

The first report 1001755 was tabled in Parliament on 29 October 2014. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1996
Ombudsman ID	1002272
Date of DIBP's report	4 March 2015
Total days in detention	952 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1001755), Mr X remained in community detention.	
2 July 2015	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from detention.

Recent visa applications/case progression

16 July 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ¹
25 July 2014	Mr X provided his response and DIBP advised that it was assessing whether he had raised further protection related claims.
5 September 2014	The Federal Circuit Court (FCC) ruled that the Refugee Review Tribunal's (RRT) decision to affirm refusal of a Protection visa to Mr X revealed a probable error of law.
8 September 2014	The FCC remitted the matter to the RRT for reconsideration.
14 January 2015	DIBP advised Mr X that the concerns he raised in his response to the privacy breach would not be considered by DIBP and should be raised as part of his appeal to the RRT.
10 February 2015	RRT affirmed original decision.
2 July 2015	Granted a Bridging visa with an associated THS visa.

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.

Health and welfare

International Health and Medical Services advised that Mr X did not require treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Case status

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

Mr X was granted a Bridging visa with an associated THS visa on 2 July 2015 and released from immigration detention.