

**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 Ms Y who have remained in immigration detention for more than 36 months (three years).

The first report 1002704 was tabled in Parliament on 14 October 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and wife)
Citizenship	Country A
Year of birth	1969

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1963

Ombudsman ID	1001513-O
Date of DIBP's reports	7 December 2015 and 6 June 2016
Total days in detention	1094 (at date of DIBP's latest report)

Detention history

8 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 738 <i>Weobley</i> . They were transferred to an Alternative Place of Detention (APOD), Christmas Island. Mr X and Ms Y arrived on SIEV <i>Weobley</i> with their adult daughter, Ms Z. She resides in the community on a Bridging visa.
23 July 2013	Transferred to Darwin Airport Lodge APOD.
20 August 2013	Mr X was transferred to Northern Immigration Detention Centre (IDC) after an alleged domestic violence incident. Ms Y remained at Darwin Airport Lodge APOD.
30 August 2013 – 18 September 2013	Mr X was transferred twice between Darwin Airport Lodge APOD and Northern IDC.
18 September 2013	Ms Y was transferred to community detention.
22 February 2014	Mr X was transferred to Wickham Point IDC.
7 March 2014	Mr X was transferred to Melbourne Immigration Transit Accommodation.
12 November 2014	Mr X was transferred to community detention and reunited with Ms Y.

Recent visa applications/case progression

5 September 2013	The former Minister intervened under s 197AB to allow Ms Y to reside in community detention.
12 and 13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X and Ms Y of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering their protection claims.
22 August 2014	DIBP advised that Ms Y requested to be reunited with her husband and Mr X's case was referred on a ministerial submission under s 197AB for consideration of a community detention placement. The former Minister agreed to intervene on 23 October 2014.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X and Ms Y to lodge a temporary visa application.
11 November 2015	DIBP invited Mr X and Ms Y to apply for a temporary visa.
22 March 2016	Mr X and Ms Y were notified that they were eligible to receive the Primary Application Information Service (PAIS) to assist them with lodging a temporary visa application. They accepted the offer on 7 April 2016 and were assigned a provider.

Other legal matters

19 August 2013	Mr X was charged with assault following a domestic violence incident with his wife. On 23 August 2013 he was issued a domestic and family violence order and on 26 November 2013 he was convicted and received 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 continues to be monitored and treated for type 2 diabetes, vitamin deficiencies and high cholesterol.
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Ms Y

IHMS advised that Ms Y continues to be monitored and treated for hypothyroidism, iron and vitamin deficiencies.

Other matters

Mr X and Ms Y's 19-year-old son, Mr Q is the subject of Ombudsman report 1001332-O.

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.

Case status

Mr X and Ms Y were detained on 8 June 2013 after arriving in Australia aboard SIEV *Weobley* and have been held in detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X and Ms Y to apply for a temporary visa. On 7 April 2016 Mr X and Ms Y accepted the PAIS assistance and were assigned a provider to assist with lodging their application.