

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X who remained in restricted immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1989
Ombudsman ID	1002915
Date of DIBP's report	7 July 2015
Total days in detention	736 (at date of DIBP's report)

Detention history

1 July 2013	Detained under s 189 of the <i>Migration Act 1958</i> at Perth Airport. He was transferred to Perth Immigration Detention Centre (IDC).
3 December 2013	Transferred to Yongah Hill IDC.
28 September 2015	Mr X was released from detention when he voluntarily departed Australia and returned to Country A.

Visa applications/case progression

30 June 2013	Arrived in Australia on a fraudulently altered Country B passport in the name of Mr Y which contained a Visitor visa. He also held a Maritime Crew visa.
1 July 2013	Mr X was refused immigration clearance and the Visitor visa was cancelled under s 116(1)(d). His Maritime Crew visa ceased under s 38B(3) after he was assessed as being a non bona fide crew member and he was detained.
25 July 2013	Lodged a Protection visa application.
1 August 2013	Lodged an associated Bridging visa application
9 August 2013	Protection visa application was refused and the associated Bridging visa application was deemed invalid.
12 August 2013	Appealed to the Refugee Review Tribunal (RRT).
11 April 2014	RRT affirmed original decision.
1 July 2014	Requested judicial review by the Federal Circuit Court (FCC).
15 July 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ¹

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.

18 July 2014	Mr X provided his response concerning the privacy breach.
8 October 2014	He requested ministerial intervention under s 417.
3 September 2015	DIBP confirmed that Mr X had requested voluntary removal and was awaiting a travel document.
28 September 2015	Mr X voluntarily departed Australia.

Health and welfare

International Health and Medical Services provided details of Mr X's health and welfare while in detention. No significant ongoing physical or mental health concerns were noted.

Information provided by Mr X

During an interview with Ombudsman staff at Yongah Hill IDC on 1 September 2015 Mr X advised that on 29 July 2015 he had requested to return to Country A. He explained that he wanted to return because his mother was unwell. He said he had no complaints about his detention conditions and he had no health concerns.

Case status

Mr X voluntarily departed Australia on 28 September 2015 and returned to Country A.