

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who remained in immigration detention for more than 60 months (five years).

The first report 1070/12 was tabled in Parliament on 26 June 2013, the second report 1001155 was tabled in Parliament on 18 June 2014 and the third report 1001784 was tabled in Parliament on 13 May 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1982
Ombudsman ID	1002234
Date of DIBP's report	11 February 2015
Total days in detention	1826 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1001784), Mr X remained in community detention.	
4 June 2015	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from detention.

Visa applications/case progression

30 January 2014	Found not to meet the guidelines for referral to the former Minister under s 195A.
14 August 2014	The Department of Immigration and Border Protection (DIBP) commenced an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of Mr X's case engage Australia's <i>non-refoulement</i> obligations as a result of the privacy breach. ¹
12 September 2014	DIBP issued Mr X with a letter notifying him of the commencement of an ITOA and invited him to provide further information he would like to have considered.
14 September 2014	DIBP advised that the former Minister indicated he did not wish to see any further ministerial submissions in relation to Mr X's requests.
25 September 2014	Mr X's legal representatives provided a response in relation to the ITOA.

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.

10 December 2014	Protection visa application was considered invalid as Mr X was subject to the bar under s 46A preventing him from lodging a valid visa application.
4 June 2015	Granted a Bridging visa with an associated THS visa.

Health and welfare

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

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 DIBP's review he was awaiting the outcome of an ITOA.

Mr X was granted a Bridging visa with an associated THS visa on 4 June 2015 and released from immigration detention.