

## 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 has remained in restricted immigration detention for more than 60 months (five years).

The first report 1001129 was tabled in Parliament on 19 March 2014, the second report 1001730 was tabled in Parliament on 11 February 2015 and the third report 1002207 was tabled in Parliament on 15 April 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1985
<b>Ombudsman ID</b>	1000864-O
<b>Date of DIBP's reports</b>	14 January 2016 and 18 July 2016
<b>Total days in detention</b>	1824 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002207), Mr X remained at Christmas Island Immigration Detention Centre (IDC).	
9 October 2015	Transferred to Yongah Hill IDC.

### Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information <sup>1</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
18 August 2015	Mr X requested voluntary removal to Country A. He withdrew the request on 21 August 2015.
22 September 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a Safe Haven Enterprise visa (SHEV) application.
28 September 2015	DIBP invited Mr X to lodge a SHEV application.
30 November 2015	Mr X requested voluntary removal to Country A.
4 January 2016	Mr X lodged an application for a travel document with the Country A Embassy.

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<sup>1</sup> 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 January 2016	Mr X withdrew his Temporary Protection visa application which was being considered for refusal under s 501 by the Visa Application Character Consideration Unit.
15 April 2016	Mr X withdrew his request for voluntary removal.

### **Health and welfare**

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues since the Ombudsman's previous report.

### **Recent detention incidents**

Since the Ombudsman's previous report Mr X has allegedly been involved in multiple behavioural incidents.

### **Case status**

Mr X was detained on 21 July 2011 after arriving in Australia aboard Suspected Illegal Entry Vessel *Walton* and has been held in restricted detention for over five years.

On 11 April 2012 an Independent Protection Assessment found that Mr X was owed protection under the Refugee Convention.

On 22 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a SHEV and on 28 September 2015 DIBP invited him to apply.