

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 his family who have remained in immigration detention for more than 42 months (three and a half years).

The first report 1002062 was tabled in Parliament on 11 November 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1984

Family details

Family members	Ms Y (wife)	Master Z (son)	Miss P (daughter)
Citizenship	Country A	Country A	Country A
Year of birth	1989	2005	2008

Ombudsman ID	1001181-O
Date of DIBP's reports	17 November 2015 and 17 May 2016
Total days in detention	1276 (at date of DIBP's latest report)

Detention history

18 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 539 <i>Rally</i> . The family was transferred to an Alternative Place of Detention (APOD), Christmas Island.
2 April 2013	Transferred to Darwin Airport Lodge APOD.
17 July 2013	Transferred to Bladin APOD.
18 September 2013	Transferred to community detention.

Recent visa applications/case progression

3 September 2013	The former Minister intervened under s 197AB to allow the family to reside in community detention.
13 March 2014	The Department of Immigration and Border Protection (DIBP) notified the family of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering the family's protection claims.
29 September 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.

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.

11 November 2015	DIBP invited the family to apply for a temporary visa.
11 March 2016	Lodged a Temporary Protection visa (TPV) application.

Other legal matters

Mr X was investigated by police in relation to people smuggling. He was issued with a caution and the matter was finalised.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X has received treatment for gastro-oesophageal reflux disease and was diagnosed with a cyst on 22 May 2015 with no treatment required.

Ms Y

IHMS advised that Ms Y has not required treatment for any major mental health issues since its previous report to the Ombudsman.

May 2015	Ms Y gave birth to her daughter. ²
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Master Z and Miss P

IHMS advised that Master Z and Miss P have not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Case status

Mr X and his family were detained on 18 November 2012 after arriving in Australia aboard SIEV *Rally* and have been held in detention for over three and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow the family to apply for a temporary visa and on 11 March 2016 the family lodged a TPV application.

² Miss Q was born in Australia in May 2015 and detained on 5 June 2015. She has been in detention for less than two years and is not subject to reporting under s 486N.