

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 who has remained in immigration detention for more than 36 months (three years).

The first report 1001943¹ was tabled in Parliament on 17 June 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1980
Ombudsman ID	1003340
Date of DIBP's reports	30 April 2015 and 9 October 2015
Total days in detention	1,087 (at date of DIBP's latest report)

Detention history

17 October 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 485 <i>Opaque</i> . He was transferred to an Alternative Place of Detention, Christmas Island.
24 October 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
3 November 2012	Transferred to Curtin IDC.
19 December 2012	Transferred to Yongah Hill IDC.
29 January 2013	Transferred to community detention. Mr X resides in community detention with his wife, Ms Y, ² and their three children. Ms Y and two of their children arrived on SIEV <i>Mallee</i> on 19 December 2011 and are the subjects of Ombudsman report 1002812.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Mr X was part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A.	
28 November 2012	Mr X was identified for assessment against the guidelines under s 195A for the Minister to consider granting a Bridging visa.

¹ Mr X was previously reported on in a group report of people who arrived on SIEV 485 *Opaque*.

² Ms Y's surname was previously recorded as Q, until DIBP's review of 16 December 2015, which recorded it as Y.

4 December 2012	DIBP advised that Mr X's case was withdrawn from the Bridging visa consideration as he met the guidelines under s 197AB to join his family in community detention.
17 January 2013	Referred for ministerial intervention under s 197AB.
29 January 2013	The former Minister intervened under s 197AB to allow Mr X to reside in community detention.
13 March 2014	DIBP notified Mr X of the unintentional release of personal information ³ and advised that the privacy breach would be taken into account when processing his protection claims.
28 March 2014	Lodged a Protection visa application. The Protection visa application was invalid as Mr X was subject to the bar under s 46A.
28 February 2015	The Minister intervened under s 197AD to vary Mr X's community detention address to allow him to reunite with his family.
29 September 2015	The Minister intervened to lift the bar under s 46A to allow Mr X to lodge a temporary visa application.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues.

Case status

Mr X was detained on 17 October 2012 after arriving in Australia aboard SIEV *Opaque* and has been held in detention for over three years with no processing of his protection claims.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application. Mr X is awaiting an invitation to apply for a temporary visa.

³ 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.