

**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 Ms Y who have remained in immigration detention for more than 36 months (three years).

The first report 1002780 was tabled in Parliament on 25 November 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and sister)
Citizenship	Country A
Year of birth	1992

Family details

Family members	Ms Y (sister)
Citizenship	Country A
Year of birth	1998

Ombudsman ID	1001580-O
Date of DIBP's reports	15 December 2015 and 14 June 2016
Total days in detention	1094 (at date of DIBP's latest report)

Detention history

16 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 749 <i>Jachin</i> . They were transferred to an Alternative Place of Detention (APOD), Christmas Island. ¹
26 June 2013	Transferred to Christmas Island Immigration Detention Centre.
20 July 2013	Transferred to Wickham Point APOD.
23 May 2014	Transferred to Bladin APOD.
12 August 2014	Transferred to community detention.

Recent visa applications/case progression

DIBP advised that prior to ministerial intervention, Mr X and his sister were 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.

¹ The Department of Immigration and Border Protection (DIBP) did not provide the full detention history for Mr X and his sister in its 24-month review.

13 March 2014	DIBP notified Mr X and his sister of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering their protection claims.
31 July 2014	The former Minister intervened under s 197AB to allow Mr X and his sister to reside in community detention.
25 August 2015	The Minister lifted the bar under s 46A to allow Mr X and his sister to lodge a temporary visa application and on 1 September 2015 DIBP invited them to lodge a Temporary Protection visa (TPV) application.
10 December 2015	Mr X lodged a TPV application with his sister listed as a dependant.
21 December 2015	Mr X and his sister were notified that although they had lodged a TPV application, that they were eligible to receive the Primary Application Information Service (PAIS) to assist them with lodging a Safe Haven Enterprise visa (SHEV) application. They accepted the offer on 23 December 2015 and were assigned a PAIS provider.
26 February 2016	Mr X and his sister lodged a SHEV application.
3 March 2016	Mr X and his sister withdrew their TPV application.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X received treatment for a range of physical health conditions including sinusitis and headaches.

Ms Y

IHMS advised that Ms Y has not required treatment for any major physical or mental health issues.

Case status

Mr X and his sister were detained on 16 June 2013 after arriving in Australia aboard *SIEV Jachin* and have been held in detention for over three years.

On 25 August 2015 the Minister lifted the bar under s 46A to allow Mr X and his sister to apply for a temporary visa and on 26 February 2016 they lodged a SHEV application.

² 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.