

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X who remained in restricted immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1002605
Date of DIBP's report	1 June 2015
Total days in detention	730 (at date of DIBP's report)

Detention history

21 June 2008	Mr X arrived in Australia as the holder of a Tourist Short Stay visa.
1 June 2013	Mr X had been living in the community unlawfully since 29 October 2008. He was located by authorities and detained under s 189(1) of the <i>Migration Act 1958</i> and transferred to Villawood Immigration Detention Centre (IDC).
6 April 2014	Transferred to Yongah Hill IDC.
2 October 2015	Mr X was released from detention when he voluntarily departed Australia and returned to Country A.

Visa applications/case progression

29 October 2008	Mr X's Tourist Short Stay visa expired and he became an unlawful non-citizen.
1 June 2013	Mr X requested a waiver of the 'no further stay' condition imposed on his Tourist visa. This request was refused on 13 June 2013.
10 July 2013	Lodged a Protection visa application with an associated Bridging visa application.
12 July 2013	Associated Bridging visa application refused.
15 July 2013	Appealed to the Migration Review Tribunal (MRT).
24 July 2013	MRT affirmed original decision.
11 September 2013	Protection visa application refused.
19 September 2013	Appealed to the Refugee Review Tribunal (RRT).
23 December 2013	RRT affirmed original decision.
10 January 2014	Requested ministerial intervention under s 417.
23 February 2014	The former Minister declined to intervene under s 417.

14 July 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ¹
22 July 2014	Mr X provided his response and DIBP advised that it was assessing whether he had raised further protection related claims as a result of the privacy breach.
24 September 2014	Mr X was issued with a letter notifying him of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.
6 October 2014	Mr X provided further information in relation to the ITOA.
9 February 2015	DIBP finalised Mr X's ITOA and found that his case did not engage Australia's <i>non-refoulement</i> obligations.
1 June 2015	DIBP advised that Mr X was on a removal pathway pending the issuance of a travel document from the Country A High Commission.
2 October 2015	Mr X voluntarily departed Australia.

Health and welfare

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare while in detention. No significant ongoing physical health concerns were noted.	
15 November 2014	During a consultation with a psychiatrist, Mr X reported ongoing sleep disturbance as a result of his prolonged detention and missing his child who lives in Sydney. He was diagnosed with major depressive disorder but declined antidepressant medication.
December 2014	Reviewed by the mental health team (MHT). No further information provided.
11 February 2015, 22 February 2015 and 26 May 2015	IHMS advised that Mr X did not attend his scheduled appointments with the MHT and no further mental health concerns were raised.

Case status

Mr X voluntarily departed Australia on 2 October 2015 and returned to Country A.
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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.