

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 remained in immigration detention for more than 30 months (two and a half years).

The first report 1001743 was tabled in Parliament on 29 October 2014. 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	1994
Ombudsman ID	1002200
Date of DIBP's report	15 January 2015
Total days in detention	912 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1001743), Mr X remained in community detention.	
9 April 2015	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from detention.

Recent visa applications/case progression

16 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
23 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.
12 August 2014	Federal Circuit Court (FCC) affirmed original decision.
10 September 2014	Requested judicial review by the High Court.
12 November 2014	Mr X signed a Code of Behaviour ² in preparation for a possible referral to the Minister under s 195A of the <i>Migration Act 1958</i> for consideration of a Bridging visa.
1 December 2014	The High Court dismissed Mr X's application and his case was remitted to the FCC. On the same day, he requested a second judicial review by the FCC.

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.

² Since 14 December 2013 all adult maritime arrivals must sign a Code of Behaviour before they can be considered for the grant of a Bridging visa. The Code of Behaviour was introduced to help ensure that maritime arrivals living in the community on Bridging visas are aware of community behavioural expectations and behave appropriately while in the Australian community.

9 April 2015

Granted a Bridging visa with an associated THS visa.

Health and welfare

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

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of the latest report from DIBP Mr X was awaiting the outcome of judicial review.

Mr X was granted a Bridging visa with an associated THS visa on 9 April 2015 and released from immigration detention.