

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 restricted immigration detention for more than 36 months (three years).

The first report 1002787 was tabled in Parliament on 24 February 2016. 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	1973
Ombudsman ID	1001587-O
Date of DIBP's reports	17 December 2015 and 15 June 2016
Total days in detention	1094 (at date of DIBP's latest report)

Detention history

17 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 753 <i>Normal</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. ¹
20 June 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
12 July 2013	Transferred to Northern IDC.
23 August 2014	Transferred to Curtin IDC.
23 May 2015	Transferred to Yongah Hill IDC.
31 July 2015	Transferred to Wickham Point APOD.

Recent visa applications/case progression

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.	
12 March 2014	DIBP notified Mr X of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering his protection claims.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.

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

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.

6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
20 January 2016	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a Bridging visa.
22 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. DIBP advised that Mr X declined the offer.
15 June 2016	DIBP advised that Mr X remains a person of interest to DIBP.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was monitored by the mental health team after presenting with concerns about situational issues. He was advised to self-refer as required.

IHMS further advised that Mr X received treatment for an ongoing medication condition and continues to be monitored by the general practitioner.

Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Case status

Mr X was detained on 17 June 2013 after arriving in Australia aboard *SIEV Normal* and has been held in restricted detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 6 November 2015 DIBP invited Mr X to apply.