

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 has remained in restricted immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1987
Ombudsman ID	1003211
Date of DIBP's report	10 August 2015
Total days in detention	731 (at date of DIBP's report)

Detention history

9 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 825 <i>Ivalee</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
12 August 2013	Transferred to Christmas Island Immigration Detention Centre.
19 February 2015	Transferred to Wickham Point APOD. ¹

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.	
12 March 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ²
22 April 2014	Mr X declined to sign an acknowledgement that he had received notification of the privacy breach.
17 February 2015	DIBP advised that Mr X was identified as a person of interest to its National Security and Serious Crimes Reporting Team (NSSCRT). No further information was provided.
20 July 2015	DIBP advised that Mr X was no longer of interest to NSSCRT.
11 August 2015	DIBP advised that Mr X's case was referred to the Minister for consideration under s 197AB.

¹ DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X is accommodated in the single adult male compound at Wickham Point APOD.

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.

3 September 2015	DIBP advised that the Minister declined to intervene under s 197AB in Mr X's case.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
7 October 2015	Mr X's case was included on a ministerial submission under s 195A for consideration for a Bridging visa.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues.	
13 January 2014	A DIBP Incident Report recorded that Mr X refused food and fluids as a form of protest. No further information was provided.
14 January 2014	A DIBP Incident Report recorded that Mr X threatened self-harm. No further information was provided.

Other matters

28 August 2015	Mr X lodged a complaint with Ombudsman staff at Wickham Point APOD. Mr X sought further information about his case progression and inclusion on a ministerial submission under s 195A. Following an investigation by the Ombudsman, DIBP advised that the Minister had lifted the bar under s 46A in Mr X's case and he was able to lodge a temporary visa application.
13 November 2015	Mr X raised further concerns with the Ombudsman's office, alleging that he had not received his invitation to lodge a temporary visa application within a reasonable timeframe. Following an investigation by the Ombudsman, DIBP advised that Mr X's case worker had delivered the invitation within two business days and Mr X had received it within a reasonable timeframe. On 20 November 2015 the Ombudsman finalised Mr X's complaint after being satisfied that he had been provided with information to assist him with lodging a temporary visa application.

Case status

Mr X was detained on 9 August 2013 after arriving in Australia aboard SIEV <i>Ivalee</i> and has been held in restricted detention for over two 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 apply for a temporary visa and in November 2015 DIBP invited Mr X to apply.
