

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X who remained in immigration detention for more than 48 months (four years).

The first report 1001496 was tabled in Parliament on 27 August 2014 and the second report 1001920 was tabled in Parliament on 18 March 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002389
Date of DIBP's reports	10 April 2015, 7 October 2015 and 2 April 2016
Total days in detention	1458 (at date of DIBP's latest report)

Recent detention history

<p>Since the Ombudsman's previous report (1001920), Mr X remained in community detention with his family.</p> <p>Mr X resided with his wife, Ms Y, and their two children, Miss Z and Master Q,¹ who are the subjects of Ombudsman report 1002817.</p>	
19 April 2016	Mr X was granted a Bridging visa and released from community detention.

Recent visa applications/case progression

13 March 2014	The Department of Immigration and Border Protection (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.
20 February 2015	Mr X's case was referred on a ministerial submission for possible consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
3 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
7 October 2015	DIBP invited Mr X to lodge a temporary visa application.

¹ Master Q was born in Australia in November 2014 and detained on 20 March 2015. He has been in detention for less than two years and is not subject to reporting under s 486N.

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.

22 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) with an associated Bridging visa application. DIBP advised that the application included Ms Y and their children.
8 February 2016	Mr X's case was referred on a first stage submission to the Minister for consideration under s 195A.
9 February 2016	DIBP requested further information from Mr X in relation to his SHEV application. He provided a response on 3 March 2016.
22 March 2016	Associated Bridging visa application was deemed invalid.
19 April 2016	Granted a Bridging visa.

Health and welfare

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

Information provided by Mr X

The Ombudsman's office tried to contact Mr X on several occasions to discuss his community detention circumstances but was unsuccessful.

Case status

Mr X was granted a Bridging visa on 19 April 2016 and released from immigration detention.

Mr X was detained on 19 March 2011 after arriving in Australia aboard Suspected Illegal Entry Vessel *Yabsley* and was held in detention for over four years before being granted a Bridging visa.

On 3 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 22 December 2015 Mr X lodged a SHEV application which included his family.