

## 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 has remained in restricted immigration detention for more than 48 months (four years).

The first report 1001527 was tabled in Parliament on 22 October 2014 and the second report 1001999 was tabled in Parliament on 14 October 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1982
<b>Ombudsman ID</b>	1000964-O
<b>Date of DIBP's reports</b>	4 November 2015 and 4 May 2016
<b>Total days in detention</b>	1458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001999), Mr X remained at Yongah Hill Immigration Detention Centre.	
31 July 2015	Transferred to Wickham Point Alternative Place of Detention.

### Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information <sup>1</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
30 April 2015 – 30 April 2016	Mr X provided DIBP with further information in relation to his Temporary Protection visa (TPV) application on five occasions.
4 May 2016	DIBP advised that Mr X is considered a person of interest to DIBP and an external agency.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received supportive counselling for stress, anxiety and low mood related to his prolonged detention and is regularly reviewed by the mental health team.  IHMS further advised that Mr X has not required treatment for any major physical health issues.
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<sup>1</sup> 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.

**Other matters**

13 April 2016	The Australian Human Rights Commission President Gillian Triggs notified DIBP that Mr X's complaint had been referred to her for consideration to report to the Minister. This investigation remains ongoing.
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**Ombudsman assessment/recommendation**

Mr X is awaiting the outcome of his TPV application.

The Ombudsman notes that Mr X was detained on 7 May 2012 and has been held in restricted detention for more than four years. The Ombudsman notes with concern the Government's duty of care to detainees and the serious risk to mental and physical health prolonged detention may pose.

The Ombudsman recommends that consideration be given to granting Mr X a Bridging visa or community detention placement while he awaits the outcome of his TPV application.