

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

Name	Mr X
Citizenship	Stateless (claimed), born in Country A
Year of birth	1989
Ombudsman ID	1003355
Date of DIBP's report	21 August 2015
Total days in detention	732 (at date of DIBP's report)

Detention history

19 August 2013	Detained under ss 189(3) and 250 of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 835 <i>Saginaw</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
20 August 2013	Transferred to Christmas Island Immigration Detention Centre.
5 February 2015	Transferred to Wickham Point APOD.
22 October 2015	Granted a Bridging visa and released from detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, 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 the Minister had not lifted the bar under s 46A.	
12 March 2014	DIBP notified Mr X of the unintentional release of personal information. ¹
21 August 2015	DIBP advised that Mr X was considered a person of interest in relation to allegations of people smuggling.
22 October 2015	Granted a Bridging 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.	
29 May 2014	A DIBP Incident Report recorded that Mr X refused food and fluid as a form of protest.

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.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 22 October 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 19 August 2013 after arriving in Australia aboard SIEV *Saginaw* and was held in detention for over two years before being granted a Bridging visa. The Ombudsman further notes that, at the time of DIBP's review, processing of Mr X's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X's protection claims commence as soon as possible.