

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in immigration detention for more than 72 months (six years).

The first report 1000489 was tabled in Parliament on 11 December 2013, the second report 1001322 was tabled in Parliament on 1 October 2014 and the third report 1002014 was tabled in Parliament on 15 September 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	1967
Ombudsman ID	1000437-O
Date of DIBP's reports	9 November 2015 and 13 May 2016
Total days in detention	2190 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002014), Mr X has remained in 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 ¹ and advised that the privacy breach would be taken into account when (re)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. On 13 May 2016 DIBP advised that the matter remained ongoing.
1 March 2016	Received a clear security assessment.
4 May 2016	DIBP advised that Mr X had asked to return to Country A.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues since its report of 26 May 2015 to the Ombudsman.

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.

Information provided by Mr X

During a telephone conversation with Ombudsman staff on 30 August 2016 Mr X expressed disappointment that the long wait for a security clearance meant he had missed out on the opportunity to apply for a Permanent Protection visa.

He advised that when he had told DIBP he wanted to go back to Country A he had been under emotional pressure.

He had followed the conditions in the undertaking he had signed upon his release from restricted detention.

He said that he felt that not being able to work made him feel as if he was a person without use.

He passed the time by following the news, reading, going for walks and undertaking unpaid voluntary work.

As far as his health was concerned he advised that he felt much better now and was more relaxed. However, he felt he had lost much of his strength and energy compared to when he had been living in Country A.

Ombudsman assessment/recommendation

Mr X was detained on 15 May 2010 after arriving in Australia aboard SIEV *Jingili* and has remained in detention for over six years.

The Ombudsman notes that Independent Merits Review found that Mr X was owed protection in January 2012 and that he obtained a clear security assessment more than four years later on 1 March 2016.

The Ombudsman notes that on 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 24 November 2015 DIBP invited Mr X to apply.

The Ombudsman recommends that, should Mr X lodge an application for a temporary visa, processing be accorded priority, given that he has spent more than six years in detention.