

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O assessment on Mr X who remained in immigration detention for more than 66 months (five and a half years). The previous assessment 1002912 was tabled in Parliament on 8 November 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1996
Ombudsman ID	1000927-O
Date of DIBP's reports	3 January 2017 and 4 July 2017
Total days in detention	2,004 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X continued to be placed in the community. ¹	
30 November 2017	Granted a temporary protection visa and released from detention.

Recent visa applications/case progression

On 3 January 2017 the Department of Immigration and Border Protection (the department) advised that it had previously incorrectly reported that Mr X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court. ²	
11 May 2016	Mr X raised further protection claims relating to the data breach ³ and the department determined that a further assessment of his claims was warranted. On the same day Mr X was found not to meet the guidelines for referral to the Minister under s 417 of the <i>Migration Act 1958</i> .
9 December 2016	Mr X's case was identified for possible referral to the Minister under s 195A for the grant of a bridging visa.
29 May 2017	Mr X's case was referred on a ministerial submission recommending options for the assessment of <i>non-refoulement</i> obligations for those affected by the data breach.
30 November 2017	Granted a temporary protection visa.

¹ Mr X was granted a placement in the community under s 197AB and remains in immigration detention.

² *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

³ In a media release dated 19 February 2014 the Minister advised that an immigration detention statistics report was released on the department's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as the department became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by the department.

Health and welfare

International Health and Medical Services advised that Mr X has a history of anxiety, depression and post-traumatic stress disorder. His condition continued to be monitored by a general practitioner and community psychological services.	
18 May 2017	An Incident Report recorded that Mr X self-harmed.

Recent detention incidents

29 November 2016	The department received information that Mr X had been working in violation of his community detention conditions. The allegation was investigated and on 5 April 2017 the matter was finalised.
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Case status

<p>Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in detention for more than five and half years.</p> <p>On 11 May 2016 Mr X raised further protection claims relating to the data breach and the department determined that a further assessment was warranted. Mr X's case was referred to the Minister on 29 May 2017 for the consideration of options to assess the <i>non-refoulement</i> claims of those affected by the data breach.</p> <p>On 30 November 2017 Mr X was granted a temporary protection visa and released from detention.</p>
