

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X who has remained in immigration detention for more than 42 months (three and a half years).

The first report 1002177¹ was tabled in Parliament on 3 June 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1993
Ombudsman ID	1003464
Date of DIBP's reports	14 April 2015, 30 September 2015 and 30 March 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002177), Mr X has remained in community detention.

The Department of Immigration and Border Protection (DIBP) advised that he resides with his sister, Ms Y, and her two children. They are the subject of Ombudsman report 1002450.

Recent visa applications/case progression

DIBP advised that prior to ministerial intervention, 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 were subject to the bar under s 46A of the *Migration Act 1958*.

3 October 2013	Lodged a Protection visa application.
13 March 2014	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.
30 September 2014	Protection visa application refused.
30 June 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
14 July 2015	DIBP invited him to lodge a temporary visa application.
25 August 2015	Lodged a Temporary Protection visa (TPV) application with an associated Bridging visa application.

¹ Mr X was previously the subject of a family report.

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.

1 September 2015	DIBP requested additional information from Mr X in relation to his TPV application.
22 October 2015	Associated Bridging visa application was invalid.
7 December 2015	He provided DIBP with further information in relation to his TPV application.
3 March 2016	His case was referred to the Minister under s 197AD for a possible revocation of his community detention placement following a court case.
17 March 2016	The Minister decided not to revoke Mr X's community detention placement.

Health and welfare

27 October 2014 – 8 September 2015	International Health and Medical Services (IHMS) advised that other than treatment for a chronic skin condition, Mr X had not required treatment for any major physical or mental health issues.
7 September 2015	A DIBP Incident Report recorded that he broke his hand after thoughts of suicide.
9 September 2015 – ongoing	Attended an appointment with a general practitioner (GP) to discuss his depression symptoms which were first identified in April 2013. IHMS advised that no treatment was provided but the GP will continue to monitor for any changes in his mental health.

Other legal matters

9 November 2016	Mr X was charged for failing to pay a \$27 parking ticket as he exited a shopping centre.
16 February 2016	He was found guilty without a conviction being recorded and received a six-month good behaviour bond.

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 detained on 1 October 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Rankin* and has been held in detention for over three years and a half years.

On 30 June 2015 the Minister lifted the bar under s 46A to allow him to apply for a temporary visa and on 25 August 2015 Mr X lodged a TPV application.