

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than two years.

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| Name | Mr X |
| Citizenship | Country A |
| Year of birth | 1996 |
| Ombudsman ID | 1002777-O |
| Date of department's report | 5 October 2017 |
| Total days in detention | 730 (at date of department's report) |

Detention history

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| March 2013 | Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland ¹ by sea as an unaccompanied minor. He was transferred to Facility B. |
| April 2013 | Transferred to Facility C. |
| August 2013 | Placed in the community. ² |
| December 2014 | Granted a bridging visa and released from immigration detention. |
| June 2017 | Re-detained under s 189(1) and transferred to Facility D. |
| November 2017 | Granted a Final Departure Bridging visa and released from immigration detention. |

Visa applications/case progression

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| August 2013 | The Minister intervened under s 197AB to grant Mr X a community placement. |
| October 2013 | Lodged a Protection visa application. |
| March 2014 | The Department of Home Affairs (the department) notified Mr X of the unintentional release of personal information ³ and advised that the privacy breach would be taken into account when considering his protection claims. |
| December 2014 | The Minister intervened under s 195A to grant Mr X a bridging visa. He was granted a bridging visa on the same day. |
| December 2014 | Protection visa application refused. |

¹ A maritime arrival to Australia's mainland who is seeking protection. Maritime arrivals who arrived as 'direct entry persons' after 13 August 2012 and before 20 May 2013 are not subject to the s 46A bar.

² Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

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.

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| May 2016 | The Administrative Appeals Tribunal (AAT) affirmed the refusal decision. |
| June 2017 | The Federal Circuit Court dismissed Mr X's application for judicial review of the AAT decision. |
| July 2017 | Applied to the Full Federal Court for judicial review. |
| August 2017 | Identified for assessment against the guidelines for referral to the Minister under s 195A. |
| November 2017 | Granted a Final Departure Bridging visa. |

Health and welfare

International Health and Medical Services advised that upon psychiatric review in 2013 it was noted that Mr X had a history of significant depressive symptoms. The psychiatrist advised that Mr X was vulnerable to further deterioration in his mental state and recommended that he be provided with ongoing treatment in a supportive and therapeutic environment. Following his placement in the community no further mental health concerns were reported.

Mr X was monitored as required by specialists for the management of a medical condition with associated liver concerns.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of the department's report Mr X was awaiting the outcome of judicial review.

Mr X was granted a Final Departure Bridging visa in November 2017 and was released from immigration detention.