

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

Name	Mr X
Citizenship	Country A
Year of birth	1989
Ombudsman ID	1002671
Date of DIBP's report	15 June 2015
Total days in detention	743 (at date of DIBP's report)

Detention history

19 February 2008	Arrived in Australia on a Schools Sector visa.
29 March 2010	School Sector visa expired and he became unlawful in the community.
2 June 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> and transferred to Villawood Immigration Detention Centre (IDC).
13 November 2014	Transferred to Wickham Point IDC.
9 May 2015	Transferred to Wickham Point Alternative Place of Detention (APOD). ¹

Visa applications/case progression

27 June 2013	Lodged an application for a Protection visa and associated Bridging visa.
1 July 2013	Bridging visa refused.
31 July 2013	The Department of Immigration and Border Protection (DIBP) refused Mr X's Protection visa application.
19 August 2013	Appealed to the Refugee Review Tribunal (RRT).
31 October 2013	RRT affirmed original decision.
4 November 2013	DIBP initiated a ministerial intervention request under s 417. However, guidelines for referral were not met.
27 November 2013	Requested judicial review by the Federal Circuit Court (FCC).

¹ DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X is accommodated in the single adult male compound at Wickham Point APOD.

13 March 2014	DIBP notified Mr X that he was affected by the unintentional release of personal information through DIBP's website. ²
15 July 2014	He was issued with a letter inviting him to comment on the privacy breach and he responded on 23 July 2014.
24 October 2014	FCC dismissed appeal.
14 January 2015	DIBP notified Mr X of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.
1 May 2015	Mr X was invited to comment on information in relation to the ITOA. DIBP advised that the assessment was ongoing at the time of its report.

Health and welfare

International Health and Medical Services provided details of Mr X's health and welfare while in detention. No significant ongoing physical health concerns were noted.

Detention incidents

3 April 2014	A DIBP Incident Report recorded that Mr X claimed to be refusing food and fluid. No further information was provided.
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Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He is awaiting the outcome of the ITOA.

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.