

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 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1997
Ombudsman ID	1002982
Date of DIBP's reports	21 July 2015 and 11 January 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

13 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel (SIEV) 784 <i>Bessemer</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
6 August 2013	Transferred to Pontville APOD.
11 September 2013	Transferred to community detention.

Visa applications/case progression

The Department of Immigration and Border Protection (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.	
13 March 2014	Mr X was notified of the unintentional release of personal information through DIBP's website. ¹ DIBP advised that when his protection claims are considered the privacy breach will be taken into account.
30 June 2015	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
29 July 2015	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.
11 August 2015	He accepted the PAIS offer and DIBP assigned him a PAIS provider to assist in lodging a temporary visa application.
30 September 2015	Lodged a Safe Haven Enterprise visa (SHEV) application which triggered an associated Bridging visa application.
10 November 2015	Associated Bridging visa application was deemed invalid.

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.

11 January 2016	DIBP advised that he was identified for assessment against the guidelines under s 195A for a possible referral to the Minister for the grant of a Bridging visa.
15 January 2016	He was scheduled to attend an interview in relation to his SHEV application.

Health and welfare

July 2013 – ongoing	International Health and Medical Services (IHMS) reported that following Mr X's induction health assessment, he was reviewed by the state Tuberculosis Control Program and was prescribed medication as per state policy. IHMS advised that medication would be completed in February 2016. His last review was on 19 October 2015 and is monitored as per state policy.
6 February 2014	Referred for a computed tomography scan following severe headaches. No abnormalities were identified with the likely cause being dehydration.
14 February 2014	A blood test identified an abnormality of his liver function. He was monitored by his general practitioner (GP) and no further concerns were raised.
24 August 2015 – ongoing	Presented to his GP with symptoms of pain and reflux. Blood tests identified a thyroid gland abnormality. Further blood tests were recommended and he was prescribed with medication.

Case status

Mr X was detained on 13 July 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Bessemer* and has been held in detention for over two and a half years. On 30 June 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application and on 30 September 2015 Mr X lodged a SHEV application.