

## 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.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1996
<b>Ombudsman ID</b>	1002796-O
<b>Date of department's report</b>	9 November 2017
<b>Total days in detention</b>	732 (at date of department's report)

### Detention history

May 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland by sea. He was transferred to Facility B.
June 2013	Transferred to Facility C.
September 2013	Placed in the community. <sup>1</sup>
December 2014	Granted a bridging visa and released from immigration detention. His bridging visa ceased in January 2015.
May 2017	Re-detained under s 189(1) after remaining unlawfully in the community and transferred to Facility D.
March 2018	Voluntarily departed Australia.

### Visa applications/case progression

December 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 <sup>2</sup> 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 that ceased in January 2015.
December 2014	Protection visa application refused.
May 2015	Applied to the Administrative Appeals Tribunal (AAT) for merits review and in July 2015 the AAT decided that it had no jurisdiction to review the matter.

<sup>1</sup> Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

<sup>2</sup> 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.

August 2015	Lodged an application for a Temporary Protection visa that was deemed invalid in January 2016. The application was taken to be a request for ministerial intervention under s 48B to lodge a further Protection visa application.
September 2015	The Federal Circuit Court (FCC) remitted Mr X's case to the AAT for reconsideration with the direction that the AAT's decision was affected by jurisdictional error.
October 2015	Lodged an application for a bridging visa that was deemed invalid.
December 2015	The AAT affirmed its original decision and in September 2016 the FCC dismissed Mr X's application for judicial review.
February 2016 and June 2017	Found not to meet the guidelines for referral to the Minister under s 48B.
November 2017	The department advised that it had lodged an application for a travel document with the authorities of Country A on behalf of Mr X.

**Health and welfare**

International Health and Medical Services advised that Mr X attended psychological counselling in June 2014 for symptoms of anxiety, depression and stress related to the possibility of being returned to Country A.

**Case status**

Mr X was detained in May 2013 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and the community, for more than two years.

Mr X was released from immigration detention when he voluntarily departed Australia in March 2018.