

## 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1997
<b>Ombudsman ID</b>	1002983
<b>Date of DIBP's reports</b>	21 July 2015 and 11 January 2016
<b>Total days in detention</b>	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.
11 August 2013	Transferred to Pontville APOD.
17 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. <sup>1</sup> 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 with a PAIS provider to assist him in lodging a temporary visa application.
28 September 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
13 October 2015	DIBP requested identification documents from Mr X.
26 October 2015	Mr X advised DIBP that he was unable to obtain identification documents.

<sup>1</sup> 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.

8 January 2016	Attended an interview in relation to his SHEV application.
11 January 2016	DIBP advised that he is being considered for a possible referral to the Minister for the grant of a Bridging visa.

### **Health and welfare**

13 January 2015	International Health and Medical Services advised that Mr X was prescribed with medication and referred for a computed tomography scan following a history of sinus issues. He was also referred to an ear, nose and throat specialist and was awaiting an appointment date.
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### **Case status**

<p>Mr X was detained on 13 July 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV <i>Bessemer</i> and has been held in detention for over two and a half years.</p> <p>On 30 June 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application and on 28 September 2015 Mr X lodged a SHEV application.</p>
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