

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X who has remained in immigration detention for more than 42 months (three and a half years).

The first report 1002850 was tabled in Parliament on 11 November 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1998
Ombudsman ID	1001639-O
Date of DIBP's reports	16 November 2015 and 16 May 2016
Total days in detention	1276 (at date of DIBP's latest report)

Detention history

17 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 14 aboard Suspected Illegal Entry Vessel (SIEV) 538 <i>Qvale</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
2 December 2012	Transferred to Christmas Island Immigration Detention Centre.
16 December 2012	Transferred to Leonora APOD.
29 January 2013	Transferred to Pontville APOD.
6 March 2013	Transferred to community detention.

Recent visa applications/case progression

22 February 2013	The former Minister intervened under s 197AB to allow Mr X to reside in community detention.
13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering his protection claims.
30 June 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.

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.

23 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. He accepted the offer on 28 July 2015 and was assigned a PAIS provider.
18 September 2015	Lodged a Temporary Protection visa (TPV) application.
18 February 2016	Mr X was informed that he would not be considered for the grant of a Bridging visa until the finalisation of his court matters.

Other legal matters

9 February 2016	Mr X was charged for allegedly driving without a license while intoxicated. His court date was scheduled for 18 May 2016.
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Health and welfare

International Health and Medical Services advised that Mr X was identified as a tuberculosis contact in 2013 and was monitored as per state policy with no further review required.

Case status

Mr X was detained on 17 November 2012 after arriving in Australia as an unaccompanied minor aged 14 aboard SIEV *Qvale* and has been held in detention for over three and a half years.

On 30 June 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 18 September 2015 Mr X lodged an application for a TPV.