

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X and his daughter who have remained in immigration detention for more than 66 months (five and a half years). The previous assessments are:

1001336 tabled in Parliament on 19 March 2014

1001551 tabled in Parliament on 3 December 2014

1002018 tabled in Parliament on 3 February 2016

1000903-O tabled in Parliament on 15 February 2017.

This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X (and daughter)
Citizenship	Country A
Year of birth	1981

Family details

Family members	Miss Y (daughter)
Citizenship	Country A
Year of birth	2006

Ombudsman ID	1000903-O1
Date of DIBP's reviews	10 November 2016 and 10 May 2017
Total days in detention	2,003 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1000903-O), Mr X and his daughter have remained in community detention.

Recent visa applications/case progression

11 August 2016	Mr X accepted the offer to receive the Primary Application Information Service to assist him with lodging a temporary visa application and was assigned a provider.
13 October 2016	Mr X and his daughter were found to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
28 October 2016	Lodged a Safe Haven Enterprise visa (SHEV) application. The Department of Immigration and Border Protection (the department) advised that the privacy breach ¹ would be taken into account when considering Mr X and his daughter's protection claims.

¹ 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.

27 April 2017	SHEV application refused.
10 May 2017	The department advised that it was preparing a submission to refer Mr X and his daughter's case to the Minister for consideration under s 195A.

Health and welfare

Mr X and Miss Y

International Health and Medical Services advised that Mr X and Miss Y did not require treatment for any major physical or mental health issues during this assessment period.

Case status

Mr X and his daughter were detained on 15 November 2011 after arriving in Australia by sea and have been held in detention for more than five and a half years.

On 28 October 2016 Mr X and his daughter lodged an application for a SHEV and on 27 April 2017 their SHEV application was refused.