

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 36 months (three years).

The first report 1001670 was tabled in Parliament on 1 October 2014. 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	1990
Ombudsman ID	1002163
Date of DIBP's reports	30 December 2014 and 26 June 2015
Total days in detention	1,093 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001670), Mr X has remained in community detention.

Recent visa applications/case progression

7 July 2014	Found not to meet the guidelines for a referral to the former Minister under s 417 of the <i>Migration Act 1958</i> .
23 July 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ¹
25 July 2014	Mr X provided his response and DIBP advised that it was assessing whether he had raised further protection related claims as a result of the privacy breach.
13 January 2015	DIBP advised Mr X that it had commenced a second International Treaties Obligations Assessment (ITOA).
4 March 2015	Following an invitation by DIBP, Mr X provided a response in relation to the ITOA.
19 May 2015	DIBP invited Mr X to comment further in relation to the ITOA.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

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.

Information provided by Mr X

During a telephone conversation with Ombudsman staff on 22 September 2015 Mr X advised that, in relation to his protection claims, to ensure his supporting documents were correctly provided to DIBP he had to borrow money from a friend to pay a lawyer. He said this cost him around \$800 each time he needed to provide documents to DIBP through his lawyer, and he is currently paying this money back in instalments to his friend.

He said that he recently enrolled into an English class and that he plans to attend three days a week. He advised that he is healthy and has no current medical problems.

Case status

Mr X has been found not to be owed protection under the Refugee Convention. He is awaiting the outcome of an ITOA.