

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 and his family who have remained in immigration detention for more than 30 months (two and a half years).

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| Name | Mr X (and family) |
| Citizenship | Country A |
| Year of birth | 1992 |

Family details

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| Family members | Mr Y (brother) | Master Z (nephew) |
| Citizenship | Country A | Country A |
| Year of birth | 1996 | 1999 |

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|--------------------------------|---------------------------------------|
| Ombudsman ID | 1002989 |
| Date of DIBP's reports | 16 July 2015 and 12 January 2016 |
| Total days in detention | 912 (at date of DIBP's latest report) |

Detention history

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| 14 July 2013 | Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland ¹ aboard Suspected Illegal Entry Vessel (SIEV) 788 <i>Fadettes</i> . The family were transferred to Curtin Alternative Place of Detention (APOD). |
| 17 July 2013 | Transferred to Wickham Point APOD. |
| 26 June 2014 | Transferred to Bladin APOD. |
| 13 November 2014 | Mr X agreed to be a custodian for Master Z until he turns 18. |
| 23 February 2015 | Transferred to community detention. |

Visa applications/case progression

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| The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Mr X and his family were 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 and his family were issued with a letter advising them of the unintentional release of personal information through DIBP's website. ² |

¹ Following legislative amendment on 20 May 2013, all unauthorised maritime arrivals, including those who arrived on the Australian mainland or an 'excised offshore location' were barred from lodging a Protection visa application under s 46A.

² 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.

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| 16 July 2015 | DIBP advised that the family will not be considered for the grant of Bridging visas while Master Z was under the age of 18. |
| 29 September 2015 | The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application. |
| 23 October 2015 | Master Z was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. |
| 2 November 2015 | DIBP invited Mr X and his family to lodge a temporary visa application. |
| 13 November 2015 | Master Z accepted the PAIS offer and nominated Mr X and his brother as members of his family unit in his application. |

Health and welfare

Mr X and Master Z

International Health and Medical Services (IHMS) advised that Mr X and Master Z have not required treatment for any major physical or mental health issues.

Mr Y

IHMS advised that Mr Y has not required treatment for any major physical health issues.

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| 10 July 2014 | Disclosed a history of torture and trauma. He declined specialist counselling and was made aware of the self-referral process. |
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Case status

Mr X and his family were detained on 14 July 2013 after arriving in Australia aboard SIEV *Fadettes* and have been held in detention for over two and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X and his family to apply for temporary visas and on 2 November 2015 DIBP invited the family to apply.