

## 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 restricted 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>	1983
<b>Ombudsman ID</b>	1003095
<b>Date of DIBP's reports</b>	24 April 2015 and 19 October 2015
<b>Total days in detention</b>	914 (at date of DIBP's latest report)

### Detention history

18 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 664 <i>Newark</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
22 April 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
13 July 2013	Transferred to Darwin Airport Lodge APOD.
17 July 2013	Transferred to Northern IDC.
31 July 2013	Transferred to Maribyrnong IDC.
1 August 2014	Transferred to Facility B.
21 April 2014 – 19 June 2015	During this period Mr X was transferred to Facility C psychiatric unit on four occasions.

### 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 issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. <sup>1</sup>
7 April 2014 – 3 March 2015	Mr X's case was referred to the former and current Minister on three occasions for consideration under s 197AB for a community detention placement. The Minister declined to intervene on all three occasions.

<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.

28 October 2014	Referred on a ministerial intervention submission under s 195A for consideration of a Bridging visa. On the same day, the former Minister declined to intervene in Mr X's case.
29 September 2015	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application. Mr X has not yet been invited to lodge a temporary visa application.

### Health and welfare

June 2013 – ongoing	<p>International Health and Medical Services (IHMS) advised that Mr X had allegedly attempted suicide on two occasions prior to his arrival in Australia and disclosed a history of drug and alcohol abuse.</p> <p>Mr X was suspected to have previously sustained a head injury and disclosed a significant history of torture and trauma. He declined specialist counselling and was prescribed with medication to stabilise his mental health.</p>
13 July 2013 – 17 July 2013	Mr X was admitted to a psychiatric facility after experiencing suspected hallucinations, paranoia and disordered thoughts. He was diagnosed with schizophrenia and prescribed with medication. IHMS advised that Mr X's mental health remained stable after being discharged and he continued to follow-up with a psychiatrist. His medication was ceased in February 2014.
6 August 2014	Presented to his general practitioner (GP) with pain related to multiple calluses on his feet. His GP attempted to freeze the calluses which reduced the associated pain, however this was not effective in removing the calluses. On 20 August 2014 he was referred to a podiatrist.
8 September 2014 and 10 February 2015	Attended two appointments with a podiatrist. It was recommended that Mr X receive specialised footwear to manage his condition. IHMS advised that it could not confirm whether he received this footwear and no further concerns have been raised in relation to this condition.
25 March 2015	A DIBP Incident Report recorded that an ambulance was called after Mr X collapsed following chest pain. DIBP advised that he did not require hospitalisation.
20 April 2015 – 6 May 2015	Mr X requested an admission to a psychiatric facility following a deterioration in his mental health. He was prescribed with medication to stabilise his mental health before being discharged.

13 May 2015, 26 May 2015 and 12 June 2015	Mr X was admitted to a psychiatric facility following relapses in his mental health after declining to take anti-psychotic medication.  IHMS advised that after being discharged on 19 June 2015 Mr X's mental health had remained stable and no evidence of psychosis had been identified. IHMS reported that he is currently monitored under a Community Treatment Order and receives monthly anti-psychotic injections. He continues to attend counselling and is regularly reviewed by the mental health team and a psychiatrist.
August 2015	Mr X's psychiatrist confirmed that his mental health had stabilised and he was able to make informed decisions.

### Detention incidents

DIBP Incident Reports recorded that Mr X was allegedly abusive and aggressive towards detention centre staff and other detainees on multiple occasions.	
9 August 2013	A DIBP Incident Report recorded that Mr X allegedly sexually harassed a detention centre staff member.
21 May 2015	A DIBP Incident Report recorded that Mr X was allegedly in possession of a weapon. No further information was provided.

### Other matters

Mr X arrived in Australia with his brother, Mr Y. Mr Y was granted a Bridging visa on 15 January 2015.  Mr X's cousin, Mr Z, arrived in Australia aboard SIEV <i>Arundel</i> on 25 April 2013. Mr Z was granted a Bridging visa on 13 January 2015.
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### Case status

Mr X was detained on 18 April 2013 after arriving in Australia aboard SIEV <i>Newark</i> and has been held in restricted detention for over two and a half years.  On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application. Mr X is awaiting an invitation to apply for a temporary visa.
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