

## 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 remained in restricted immigration detention for more than 24 months (two years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1003170
<b>Date of DIBP's report</b>	25 July 2015
<b>Total days in detention</b>	730 (at date of DIBP's report)

### Detention history

25 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 808 <i>Kinston</i> . He was transferred to an Alternative Place of Detention, Christmas Island.
19 February 2015	Transferred to Facility B.
13 November 2015	Granted a Bridging visa and released from detention.

### Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being release from detention, 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 the Minister had not lifted the bar under s 46A.	
25 July 2015	Mr X was being considered for inclusion in a submission to the Minister under s 195A following ongoing concerns for his mental health.
13 November 2015	Granted a Bridging visa.

### Health and welfare

15 January 2014 – ongoing	International Health and Medical Services (IHMS) advised that Mr X stitched his lips together and refused food and fluids as a form of protest. He was reviewed by a general practitioner (GP) and the stitches were removed.  IHMS advised that Mr X attends specialised counselling and was considered socially isolated and potentially vulnerable. His GP further noted that he reacts impulsively to negative thoughts.
11 June 2014	Presented to his GP with abdominal pain. Mr X advised that he had previously been diagnosed with a gallbladder condition but had not received medical treatment. He was prescribed with antacid and pain relief medication.

23 June 2014	Presented to his GP with ongoing abdominal pain. His GP advised that Mr X did not have gall stones and that his pain relief medication would be discontinued. IHMS advised that Mr X threatened to stitch his lips together if he was not prescribed with medication. He was referred for an ultrasound for further investigation.
July 2014	An abdominal ultrasound identified no abnormalities. No further concerns were raised.
29 July 2014	A DIBP Incident Report recorded that Mr X self-harmed by cutting his head with a razor blade and required stitches. Mr X stated that he had self-harmed because of his ongoing headaches.
5 August 2014	Mr X reported that he regularly experiences migraines as a result of previous traumatic incidents and related injuries. He attended multiple appointments with his GP and received education about chronic headaches, including advice to attend psychological counselling and to practice relaxation techniques. He was prescribed with pain relief medication to use as required.
December 2014	Mr X's pain relief medication was reduced by his GP following concerns of possible addiction and reliance.
January 2015	Reviewed by a psychiatrist who noted that Mr X presented with no immediate mental health concerns and advised that no psychiatric intervention was required at that time. IHMS advised that no psychiatric diagnosis was provided.
May 2015	Attended a mental health assessment with no concerns identified. Prior to his release from detention, his mental health was monitored by the mental health team.

### **Ombudsman assessment/recommendation**

Mr X was granted a Bridging visa on 13 November 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 25 July 2013 after arriving in Australia aboard SIEV *Kinston* and was held in restricted detention for over two years before being granted a Bridging visa. The Ombudsman notes that, at the time of DIBP's review, processing of Mr X's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X's protection claims commence as soon as possible.