

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 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1979
Ombudsman ID	1003093
Date of DIBP's reports	24 April 2015 and 21 October 2015
Total days in detention	916 (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.
25 April 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
29 May 2013	Transferred to an APOD, Christmas Island. He was reunited with his wife Ms Y. She arrived on SIEV <i>Keller</i> and is the subject of Ombudsman report 1002891.
6 June 2013	Transferred to Brisbane Immigration Transit Accommodation.
19 June 2013	Transferred to Villawood IDC.
15 April 2014	Transferred to Wickham Point APOD.
28 June 2014	Transferred to Bladin APOD.
26 February 2015	Transferred to Wickham Point APOD.
26 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 released 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.	
12 March 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ¹

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.

26 February 2015	Referred on a ministerial intervention submission under s 195A to be considered for a Bridging visa.
4 March 2015	The Minister declined to intervene under s 195A.
25 September 2015	Referred on a ministerial intervention submission under s 46A for the bar to be lifted to allow Mr X to lodge a temporary visa application.
29 September 2015	The Minister intervened to lift the bar under s 46A.
13 October 2015	Referred on a first stage submission under s 195A to be considered for a Bridging visa.
21 October 2015	DIBP advised that Mr X was previously a person of interest following his alleged involvement in criminal activity.
26 November 2015	Granted a Bridging visa.

Health and welfare

20 April 2013	International Health and Medical Services (IHMS) reported that at induction, Mr X advised that he had a history of recurrent ear infections and chronic lower back pain following a spinal fracture. He also had a toe amputated after sustaining an injury in Country A, which resulted in a foot deformity and mobility issues.
6 May 2013	He disclosed a history of torture and trauma but declined specialist counselling.
13 June 2013	He was referred for a podiatrist review.
19 August 2013 – 18 February 2015	Attended fortnightly physiotherapy sessions.
September 2013	He presented to the general practitioner (GP) with an ear infection and hearing issues. He was prescribed with antibiotic medication.
17 February 2014	He was placed on a surgical waiting list following a consultation with an ear, nose and throat (ENT) specialist.
17 March 2014 – 25 August 2014	Attended five ENT consultations.
8 May 2014 – 10 April 2015	Attended four podiatrist appointments. The podiatrist provided him with orthotic footwear and his condition was reviewed by an orthopaedic specialist who recommended physiotherapy.
July 2014	He saw an IHMS mental health nurse following thoughts of self-harm related to his chronic back pain. It was recommended that his pain relief medication be reviewed and after a discussion with the mental health nurse he was able to assure his safety.
14 August 2014 – 1 October 2014	Attended three orthopaedic consultations to assess the cause of his chronic back pain. Ongoing physiotherapy was recommended.

25 August 2014	He was taken to a hospital emergency department following concerns that sudden left leg swelling and pain could be a blood clot. An ultrasound identified a minor muscle tear and he was provided with treatment.
End of August 2014	He accepted a referral to a specialist counselling service following feelings of anxiousness and frustration surrounding his immigration pathway.
18 September 2014	He attended a further ENT specialist review following his transfer to Wickham Point APOD and was placed on a surgical waiting list.
22 September 2014 – 3 November 2014	He attended seven specialist counselling sessions.
October 2014 – November 2014	IHMS advised that in October 2014 Mr X reported thoughts of self-harm which increased in November 2014. For a period of time (dates not provided) he was placed on a Psychological Support Program plan for his safety. He regularly saw the mental health team and attended group counselling as well as specialist counselling sessions.
April 2015	He injured his right shoulder during a sporting activity. He was provided with pain relief medication and advised to rest his shoulder.
3 August 2015	He was referred for an ultrasound following ongoing complaints of shoulder pain.
17 August 2015	An ultrasound identified that he had an inflamed right shoulder condition. He was provided with exercises and a steroid injection which relieved his pain.
28 September 2015	IHMS advised that Mr X remained on a surgery waiting list and that there had been no reported exacerbation of his condition. He was monitored by the GP, prescribed with medication and attended specialist counselling.

Other matters

20 August 2015	<p>Mr X lodged a complaint with Ombudsman staff about the period of time he had been waiting to have an operation on his ear.</p> <p>Ombudsman staff discussed the matter with IHMS who confirmed that he was initially placed on a surgery waiting list in February 2014 but following his transfer to Wickham Point APOD he was placed on another surgical waiting list for the procedure. The period of time he had been waiting was considered reasonable given the surgery was not categorised as urgent.</p> <p>The Ombudsman staff were satisfied that Mr X was receiving health care consistent with community standards and the complaint was closed the same day.</p>
----------------	---

Case status

Mr X was granted a Bridging visa on 26 November 2015 and released from immigration detention.

Mr X was detained on 18 April 2013 after arriving in Australia aboard SIEV *Newark* and was held in detention for over two and a half years before being granted a Bridging visa.

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 lodge a temporary visa.