

## 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 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>	1974
<b>Ombudsman ID</b>	1003174
<b>Date of DIBP's reports</b>	5 August 2015 and 25 January 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

### Detention history

26 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia with his family <sup>1</sup> aboard Suspected Illegal Entry Vessel (SIEV) 813 <i>Ruffner</i> . The family were transferred to an Alternative Place of Detention (APOD), Christmas Island.
25 August 2013	Transferred to Perth Immigration Residential Housing.
24 September 2013	Transferred to Brisbane Immigration Transit Accommodation.
5 December 2013	Transferred to Inverbrackie APOD.
30 September 2014	Transferred to community detention.
9 July 2015	Mr X was transferred to alternative accommodation after Ms Y lodged an application for an Intervention Order.
3 August 2015	Mr X was transferred to Maribyrnong Immigration Detention Centre (IDC) and his family remained in community detention.
15 October 2015	Transferred to Christmas Island IDC.
9 December 2015	Mr X was reunited with his family and transferred to community detention.

### 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	DIBP notified Mr X of the unintentional release of personal information <sup>2</sup> and advised that the privacy breach would be taken into account when considering Mr X's protection claims.

<sup>1</sup> Mr X's wife, Ms Y, her sister, Ms Z and their two daughters are the subject of Ombudsman report 1003175. They were granted Bridging visas on 22 October 2015 and released from detention.

<sup>2</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.

30 July 2015	The Minister revoked Mr X's community detention placement under s 197AB and he was transferred to Maribyrnong IDC.
29 September 2015	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application. On 6 November 2015, Mr X was invited to lodge a temporary visa application.

### Health and welfare

July 2013 – ongoing	International Health and Medical Services (IHMS) advised that during his induction health assessment, Mr X presented with limited vision in his right eye following a previous injury.
9 October 2013	Disclosed a history of torture and trauma but declined specialist counselling.
2 December 2013	Presented to a general practitioner (GP) with shoulder pain following a gym injury. An ultrasound was conducted and it was recommended that he undergo guided steroid injections.
4 December 2013	Mr X received a guided steroid injection in his shoulder.
10 December 2013 – ongoing	Reviewed by a psychiatrist and diagnosed with an adjustment disorder related to situational stressors. He was prescribed with antidepressant medication and continued to be monitored by the psychiatrist.
31 December 2013 – ongoing	Mr X reported that he had ceased the antidepressant medication after experiencing side effects and he was feeling less anxious and his mood had improved.  IHMS advised that Mr X continues to be monitored by the mental health team and attends supportive counselling as required.
17 March 2014	Presented to a GP with back pain and muscle spasms and was diagnosed with probable muscle strain. He was prescribed with pain relief medication and referred for physiotherapy.
25 March 2014 – 1 April 2014	Attended three physiotherapy sessions.
27 May 2014	Mr X reported that his shoulder pain had recurred during a consultation with a GP. He was provided with education and referred for further steroid injections.
6 June 2014	Mr X received a guided steroid injection in his shoulder.
28 July 2015 – 15 September 2015	Attended seven psychological counselling sessions for ongoing management of stress, anxiety and low mood.
2 October 2015 and 6 October 2015	Mr X was admitted to a hospital emergency department after exacerbating a previous back injury. IHMS advised that spinal abnormalities were identified and he was provided with pain relief medication.
22 October 2015	An optometrist review identified abnormal swelling in his left eye. He was referred to an ophthalmologist for further assessment.
12 December 2015	Mr X disclosed that he was experiencing mental health concerns related to his history of torture and trauma and was referred for specialist counselling.

### Detention incidents

30 March 2013	DIBP Incident Reports recorded that Mr X allegedly slapped Ms Y and his daughter, Miss Q. DIBP advised that no charges were brought against Mr X and the matter was closed.
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### Other matters

9 July 2015	DIBP advised that Mr X was arrested and removed from the family's community detention residence following an alleged domestic violence incident involving Mr X, Ms Y and Mr X's brother-in-law.
14 July 2015	Mr X's wife, Ms Y and their daughters were granted an Intervention Order against Mr X by the B Magistrates Court.
11 August 2015	Mr X appeared before the B Magistrates Court and agreed to the conditions of an Intervention Order. DIBP advised that the matter was finalised.

### Case status

<p>Mr X was detained on 26 July 2013 after arriving in Australia aboard SIEV <i>Ruffner</i> and has been held in detention for over two and a half years.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 6 November 2015 DIBP invited Mr X to apply.</p>
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