

## REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the second s 486O report on Mr X who has remained in immigration detention for more than 48 months (four years).

The first report 1002303 was tabled in Parliament on 3 June 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1993
<b>Ombudsman ID</b>	1003263
<b>Date of DIBP's reports</b>	18 August 2015, 16 February 2016 and 13 August 2016
<b>Total days in detention</b>	1458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002303), Mr X has remained at Yongah Hill Immigration Detention Centre (IDC).

### Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information <sup>1</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
30 April 2015	DIBP invited Mr X to provide further information in relation to his Protection visa application.
24 June 2015	Mr X provided a response.
15 September 2015	DIBP advised Mr X that following legislative amendment, his Protection visa application was now taken to be a valid Temporary Protection visa (TPV) application. DIBP invited Mr X to provide further information in relation to his TPV application.
21 October 2015	Mr X provided further information in relation to his TPV application.
28 April 2016	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
30 June 2016	The Minister declined to intervene under s 195A.

<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.

## **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X was prescribed with anti-depressant medication after presenting with chronic mood symptoms and situational stress. He was reviewed by the IHMS psychiatrist and continues to be monitored by the mental health team (MHT).

IHMS further advised that Mr X receives treatment for recurring headaches and a bacterial stomach infection.

## **Recent detention incidents**

DIBP Incident Reports recorded that Mr X was allegedly involved in multiple behavioural incidents.

## **Information provided by Mr X**

During an interview with Ombudsman staff at Yongah Hill IDC on 1 September 2015 Mr X said that his community detention placement had been revoked because he had stolen a mobile phone. He advised that he experienced depression while in the community and a friend had provided him medication that reduced his symptoms and helped him sleep. He said he felt desperate and had no choice but to steal the mobile phone in order to obtain more medication.

Mr X said he experiences depression, insomnia and poor memory but no longer engages with the MHT as he does not find it helpful.

Mr X advised that his aunt resides in Melbourne and he wished to be transferred to a Melbourne detention facility so he could reside closer to her. He further advised that he would be able to reside with her if he was granted a Bridging visa.

## **Ombudsman assessment/recommendation**

Mr X has been found to be owed protection under the Refugee Convention and the complementary protection criterion. DIBP advised that it is currently progressing Mr X's TPV application.

The Ombudsman notes that Mr X's aunt currently resides in Melbourne and recommends DIBP consider transferring him to a Melbourne detention facility so he is closer to his support network while he awaits the resolution of his immigration status.