

## 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 24 months (two years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Stateless (claimed), born in Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1002790
<b>Date of DIBP's report</b>	23 June 2015
<b>Total days in detention</b>	734 (at date of DIBP's report)

### Detention history

19 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 754 <i>Ofelia</i> .
The Department of Immigration and Border Protection (DIBP) advised that Mr X is currently located at Yongah Hill Immigration Detention Centre (IDC).	

### Visa applications/case progression

DIBP advised that Mr X is part of a cohort who have not had their protection claims assessed as they arrived in Australia after 13 August 2012 and, at the time of its review dated 23 June 2015, the Minister had not lifted the bar under s 46A.
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### Health and welfare

June 2013	International Health and Medical Services (IHMS) advised that Mr X reported a history of kidney stones during an induction health assessment.
21 April 2014	He reported a history of torture and trauma and attended specialist counselling.
2 June 2014	Presented to his general practitioner (GP) with upper abdominal and back pain consistent with the presence of kidney stones. An ultrasound identified no abnormalities.
16 June 2014	Presented to the mental health team (MHT) with low mood, loss of motivation, anxiety and difficulty sleeping. IHMS advised that he attends regular counselling and is monitored by the MHT.
23 July 2014	Presented to his GP with ongoing neck pain. On 31 August 2014 an ultrasound identified no abnormalities.
2 October 2014	Diagnosed with musculoskeletal pain after presenting to his GP with neck and upper chest pain. He was prescribed with medication and referred for a chest x-ray. His GP noted that the pain was triggered by psychological stressors.

10 November 2014	A chest x-ray identified no abnormalities and he was advised to continue to attend counselling. IHMS advised that no further concerns have been raised in relation to this condition.
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### **Other matters**

Mr X advised DIBP that he had previous criminal convictions in his home country. These matters were investigated and closed in June 2015.

### **Information provided by Mr X**

At interview with Ombudsman staff at Yongah Hill IDC on 2 September 2015 Mr X advised that he was now able to apply for a temporary visa as the s 46A bar had been lifted in his case. However, he expressed concern about accurately completing his application within the required 28 days. He said he had been placed on a waiting list following increased demand for refugee advocate services

Mr X expressed dissatisfaction about the quality of the healthcare at Yongah Hill IDC and the waiting times to see a GP.

He said that he enjoys participating in cooking and hair cutting classes as he is learning new skills. However, he advised that he does not feel safe at Yongah Hill IDC and deliberately avoids certain detainee cohorts.

### **Ombudsman assessment/recommendation**

The Ombudsman notes that Mr X was detained on 19 June 2013 after arriving in Australia aboard SIEV *Ofelia* and has been held in detention for over two years with no processing of his protection claims.

The Ombudsman notes that in September 2015 Mr X advised that the bar under s 46A had been lifted and he was preparing his application for a temporary visa.

The Ombudsman notes the reported ongoing problems at Yongah Hill IDC and has previously recommended that all reported incidents are reviewed and that steps are taken to address this reported concern.

During visits by Ombudsman staff to Yongah Hill IDC in August and September 2015 detainees, including Mr X, advised of ongoing concerns including alleged bullying, assault, violence, threats and intimidation. These concerns were also noted by detention centre staff.

In light of this, the Ombudsman recommends that the placement of detainee cohorts is reviewed as a matter of priority to ensure the safety of all detainees and staff at Yongah Hill IDC.