

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).

Name	Mr X
Citizenship	Country A
Year of birth	1963
Ombudsman ID	1003208
Date of DIBP's report	13 August 2015
Total days in detention	735 (at date of DIBP's report)

Detention history

8 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 824 <i>Hayden</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
8 August 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
20 December 2013	Transferred to Northern IDC.
14 February 2014	Transferred to Christmas Island IDC.
22 January 2015	Transferred to Wickham Point APOD. ¹
9 October 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.	
9 October 2015	Granted a Bridging visa.

¹ Wickham Point was designated as an APOD on 11 July 2013. DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X was accommodated in the single adult male compound at Wickham Point APOD.

Health and welfare

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing mental health concerns were noted.	
30 December 2013 – 28 July 2015	Following complaints of headaches, blurred vision and pain behind his eyes, a computed tomography scan identified a cyst which did not require treatment. IHMS advised that he received reading glasses in February 2015 which relieved his pain and no further concerns were raised.
29 May 2014	A DIBP Incident Report recorded that Mr X refused food and fluid. No further information was provided.
26 October 2014	Mr X complained of short periods of chest pain after he was punched by another detainee. An echocardiogram returned normal results and pathology identified high cholesterol. He was prescribed with medication, provided with dietary advice, and an exercise stress test returned normal results. IHMS advised that he had been non-complaint with his medication since November 2014 but no further concerns were raised.

Detention incidents

30 December 2014	DIBP advised that Mr X was allegedly involved in an assault of another detainee. The matter was referred to the Australian Federal Police (AFP) and on 18 February 2015, the AFP advised it would not be investigating.
------------------	---

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 9 October 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 8 August 2013 after arriving in Australia and was held in detention for over two years before being granted a Bridging visa. The Ombudsman further 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.