

**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 a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1993
Ombudsman ID	1002294-O
Date of DIBP's reports	18 January 2016 and 15 July 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

30 September 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 855 <i>Motley</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
28 October 2013	Transferred to Manus Island Regional Processing Centre (RPC). ¹
12 February 2014	Returned to Australia and re-detained under s 189(1). He was transferred to Brisbane Immigration Transit Accommodation (ITA).
13 February 2014	Transferred to Wickham Point Alternative Place of Detention (APOD).
27 July 2015	Transferred to Brisbane ITA.
16 September 2015	Transferred to Wickham Point APOD.
11 May 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).

Visa applications/case progression

12 February 2014	Mr X was transferred from Manus Island RPC to Australia to receive medical treatment.
16 March 2016	The Department of Immigration and Border Protection (DIBP) confirmed that detainees who arrived in Australia after 19 July 2013 who were transferred to an RPC but returned to immigration detention in Australia for medical reasons remain liable for transfer back to an RPC on completion of their treatment.

¹ Time spent at an RPC is not counted towards time spent in immigration detention in Australia for the purposes of reporting under s 486N.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X was diagnosed with major depression and an adjustment disorder related to his prolonged detention and is closely monitored by the mental health team and the IHMS psychiatrist. Mr X further disclosed a history of torture and trauma and self-harm and attends psychological counselling and group therapy.</p> <p>In October 2015 the IHMS psychiatrist reported that Mr X experiences anxiety and distress related to his isolation and vulnerability. The IHMS psychiatrist recommended that he be transferred to a Brisbane detention facility to reside closer to his support network and that a community detention placement would be beneficial.</p> <p>IHMS further advised that Mr X reported a history of headaches and blurred vision and has been admitted to hospital on multiple occasions with migraines and related paralysis. He was referred to a neurologist and is monitored by a general practitioner.</p>	
12 February 2014	IHMS advised that Mr X was transferred from Manus Island RPC to Australia for urgent medical treatment after presenting with severe dental abscesses and associated nerve inflammation. Following his discharge from hospital, Mr X received extensive dental treatment and was fitted with dentures.
28 April 2015 – July 2015	Mr X was placed on Supportive Monitoring and Engagement observations after he attempted suicide by overdosing on medication and attempting to hang himself.
27 July 2015 – 10 September 2015	Admitted to a psychiatric hospital for treatment following mental health concerns and improvements in his condition were noted. The hospital psychiatrist recommended he be transferred to a Brisbane facility to be closer to his support network and advised that he requires a low stimuli environment.

Ombudsman assessment/recommendation

<p>The Ombudsman notes that Mr X was detained on 30 September 2013 after arriving in Australia aboard SIEV <i>Motley</i> and has been held in restricted detention for a cumulative period of more than two and a half years with no processing of his protection claims.</p> <p>The Ombudsman notes DIBP's advice that because Mr X was transferred to an RPC but returned to immigration detention in Australia for medical reasons he remains liable for transfer back to an RPC on completion of his treatment.</p> <p>The Ombudsman notes with concern the reported impact restricted detention is having on Mr X's mental health and advice from the IHMS psychiatrist that his mental health would improve if he was transferred to community detention or to a Brisbane facility to be closer to his support network.</p> <p>Given Mr X's significant mental health concerns, the Ombudsman recommends that consideration be given to placing him in community detention or transferring him to Brisbane ITA.</p> <p>The Ombudsman further recommends that priority is given to exploring options to enable the resolution of Mr X's immigration status.</p>
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