

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 immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1997
Ombudsman ID	1002619
Date of DIBP's report	18 June 2015 ¹
Total days in detention	783 (at date of DIBP's report)

Detention history

26 April 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel (SIEV) 676 <i>Crawley</i> . He was transferred to Darwin Airport Lodge Alternative Place of Detention (APOD).
16 May 2013	Transferred to Northern Immigration Detention Centre.
13 July 2013	Transferred to Pontville APOD.
6 September 2013	Transferred to community detention.
30 July 2015	Granted a Temporary Protection visa (TPV) and released from detention.

Visa applications/case progression

13 March 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ²
27 May 2014	Lodged a Protection visa application. DIBP advised that as Mr X arrived in Australia as a 'direct entry person' ³ he was not barred under s 46A from lodging a Protection visa application. DIBP further advised that following legislative amendment, Mr X was only eligible for a temporary visa.
9 September 2014	Attended an interview in relation to the Protection visa application.

¹ DIBP's 24 month review on Mr X was due in May 2015. DIBP advised that the delay in provision of this review was due to a system failure.

² 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.

³ A maritime arrival to Australia's mainland who is seeking protection.

31 October 2014	DIBP advised that Mr X was found to be owed protection.
30 July 2015	Granted a TPV.

Health and welfare

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare while in detention. No significant ongoing physical health concerns were noted.	
20 May 2013	IHMS reported that Mr X disclosed a history of torture and trauma but declined a referral to specialist counselling. However, he received counselling from the mental health team.
1 April 2015	A DIBP Incident Report recorded that Mr X was referred to a general practitioner (GP) after an alleged assault involving people who entered his community detention residence. The GP referred him for specialist counselling.

Detention incidents

5 October 2013	A DIBP Incident Report recorded that while in a community detention property for unaccompanied minors, Mr X advised a service provider that he was the victim of alleged bullying and sexual harassment from two other unaccompanied minors. Mr X did not want to report the matter to police. The Department of Immigration and Citizenship reported the allegations to Child Protection Services and the alleged offenders were transferred to an alternative community detention property.
17 April 2015	A DIBP Incident Report recorded that police attended Mr X's community detention address in relation to the alleged assault which occurred on 1 April 2014. The incident is the subject of a police investigation which remained outstanding at the time of DIBP's report.

Case status

Mr X was granted a TPV on 30 July 2015 and released from immigration detention.
