

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	1994
Ombudsman ID	1002508-O
Date of DIBP's reports	23 September 2016 and 24 March 2017
Total days in detention	912 (at date of DIBP's latest report)

Detention history

25 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 675 <i>Barnet</i> . He was transferred to Christmas Island Immigration Detention Centre (IDC).
24 May 2013	Transferred to Nauru Regional Processing Centre (RPC). ¹
14 August 2014	Returned to Australia and re-detained under s 189(1). He was transferred to Brisbane Immigration Transit Accommodation.
23 August 2014	Transferred to Nauru RPC.
1 November 2014	Returned to Australia and re-detained under s 189(1). He was transferred to Wickham Point IDC.
2 April 2016	Transferred to Facility B.

Visa applications/case progression

Mr X arrived in Australia by sea between 13 August 2012 and 19 July 2013. He was transferred to an RPC and subsequently returned to immigration detention in Australia. Prior to being classified as a 'fast track' applicant, Mr X was part of a cohort who were unable to have their protection claims assessed as they were subject to bars under ss 46A and 46B.	
23 September 2016	The Department of Immigration and Border Protection (the department) advised that Mr X was identified as a person of interest to an external agency.
19 December 2016	The Minister lifted the bars under ss 46A and 46B to allow Mr X to lodge a temporary visa application.
23 December 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 4 January 2017.
13 February 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa.

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.

23 February 2017	Lodged a Safe Haven Enterprise visa (SHEV) application.
24 March 2017	The department advised that Mr X was no longer considered a person of interest to an external agency.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for an adjustment disorder and significant history of self-harm. He was placed on Supportive Monitoring and Engagement observations on multiple occasions following incidents of self-harm and returned to Australia on two occasions for treatment after refusing food and fluids. A treating psychiatrist advised that his symptoms were related to an adjustment disorder and his prolonged immigration detention. IHMS advised that Mr X was transferred to Facility B on 2 April 2016 to improve access to his support network in City C. He continued to attend specialist counselling and is monitored by the IHMS mental health team.

Other matters

1 April 2016	The Australian Human Rights Commission (AHRC) notified the department of a complaint by Mr X. The department provided a response on 9 May 2016 and on 8 February 2017 the AHRC requested further information. The matter remains ongoing.
Mr X advised the department that a number of his family members reside in City C on Bridging visas.	

Case status

Mr X was detained on 25 April 2013 after arriving in Australia by sea and has been held in restricted detention for a cumulative period of more than two and a half years.

On 19 December 2015 the Minister lifted the bar under ss 46A and 48B to allow Mr X to apply for a temporary visa and on 23 February 2017 Mr X lodged an application for a SHEV.