

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 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1977
Ombudsman ID	1003287
Date of DIBP's reports	19 August 2015 and 16 February 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

18 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 834 <i>Reform</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
21 August 2013	Transferred to Christmas Island IDC.
8 January 2015	Transferred to Facility B.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, 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 were subject to the bar under s 46A.	
5 March 2014	DIBP notified Mr X of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering his protection claims.
16 September 2015	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A for the grant of a Bridging visa.
29 September 2015	The Minister declined to intervene under s 195A. The same day, the Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
2 December 2015 and 5 January 2016	Mr X requested an extension of time to lodge a temporary visa application.
6 January 2016	Mr X was granted a further 14 day extension to lodge a temporary visa application.

¹ 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.

Health and welfare

19 August 2013	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma but declined specialist counselling.
26 October 2013 – 11 September 2015	DIBP Incident Reports recorded that Mr X threatened self-harm on six occasions.
19 January 2014	Mr X presented with recurring chest pain. An echocardiogram returned abnormal results and he was referred to a cardiologist.
13 May 2014	Reviewed by a cardiologist with no abnormalities identified.
25 November 2014	Referred to an ophthalmologist after presenting with recurring eye pain and blurred vision. On 23 February 2015 Mr X cancelled the appointment.
21 February 2015	IHMS advised that Mr X had allegedly been involved in multiple behavioural incidents and has displayed manipulative behaviour. He was placed on Supportive Monitoring and Engagement (SME) observations on multiple occasions following incidents of self-harm, including a suicide attempt on 8 September 2014. During a review with a psychiatrist it was noted that Mr X has low stress tolerance and poor impulse control. The psychiatrist advised that Mr X was a long term risk to others and recommended that his detention placement be reviewed.
March 2015	Referred for an ultrasound and physiotherapy after presenting with shoulder pain and limited mobility.
6 May 2015 – 26 June 2015	Attended 13 physiotherapy sessions.
7 May 2015	A shoulder ultrasound identified abnormalities and he was diagnosed with an inflammatory condition. He was referred for muscular injections and further physiotherapy.
July 2015 – ongoing	Mr X was referred to an ophthalmologist following a recommendation by his optometrist.
3 July 2015	Mr X was discharged from physiotherapy following the completion of his treatment. IHMS advised that his condition is managed with pain relief medication as required.
26 July 2015	Taken to a hospital emergency department following chest pain. He diagnosed with a heart condition, prescribed with medication and referred for further cardiology testing.
5 August 2015	A cardiac stress test identified no further abnormalities.
13 August 2015	Admitted to a hospital emergency department with chest pain after overdosing on pain relief medication. An echocardiogram identified no abnormalities and he was referred to a cardiologist for urgent review. It was recommended that he attend a psychiatric review.
20 August 2015	Mr X was reviewed by a cardiologist and referred for an angiogram to exclude further abnormalities.
26 August 2015	An angiogram returned normal results.

31 August 2015 – 6 October 2015	Mr X refused food and fluid as a form of protest and was placed on SME observations. IHMS advised that Mr X was admitted to hospital after collapsing with dehydration as a result of the protest (date not provided). A brain computed tomography scan identified no abnormalities.
8 September 2015	Reviewed by a psychiatrist and diagnosed with a personality disorder but no psychotic or depressive symptoms were identified. The psychiatrist advised that medication would not be effective and that Mr X was at risk of further self-harm.
6 October 2015	Attended a psychiatric review and was diagnosed with a further personality disorder.
November 2015	Presented with further chest pain and was prescribed with pain relief medication. IHMS advised that following the results of previous investigations, Mr X's heart condition will be managed with pain relief medication as required.
2 January 2016	Presented to a general practitioner with pain and swelling in his finger following a sporting injury. He was referred for an x-ray which identified a fracture and soft tissue damage.

Detention incidents

DIBP Incident Reports recorded that Mr X had allegedly been involved in numerous behavioural incidents including assaulting other detainees and displaying aggressive, abusive and threatening behaviour towards detention centre staff and other detainees.

Other matters

25 June 2015	DIBP advised that Mr X allegedly behaved inappropriately towards a detention centre staff member. The incident was referred to the Q Police. On 24 July 2015 the Q Police advised DIBP that matter was finalised and no further action was required.
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Case status

Mr X was detained on 18 August 2013 after arriving in Australia aboard *SIEV Reform* and has been held in restricted detention for over two and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 6 November 2015 DIBP invited Mr X to apply.