

## 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1996
<b>Ombudsman ID</b>	1002807
<b>Date of DIBP's report</b>	19 December 2014
<b>Total days in detention</b>	Not provided

### Detention history

19 December 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel 567 <i>Tornax</i> .
28 January 2015	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from community 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.	
28 January 2015	Granted a Bridging visa with an associated THS visa.

### Health and welfare

31 January 2013	International Health and Medical Services (IHMS) advised that Mr X was identified as a tuberculosis contact but a physical examination and chest x-rays revealed no abnormalities. Prior to his release from detention, his condition was monitored as per state policy.
7 March 2013	Disclosed a history of torture and trauma and presented with symptoms related to depression. He was referred to for psychological counselling.
18 March 2013	Attended a specialist appointment with a counsellor who noted that Mr X was optimistic and coping with his situation. IHMS advised that he declined further counselling.
3 November 2014 – 5 November 2014	A DIBP Incident Report recorded that Mr X was absent from school for three days and it was noted that his mental health was deteriorating. He attended an appointment with his general practitioner (GP) and was referred to a specialist counselling service.

7 November 2013 – February 2014	Attended 12 specialist counselling sessions. His counsellor noted that he was experiencing symptoms related to grief and situational stress. Mr X declined a referral to a psychologist.
26 August 2014	<p>Mr X was diagnosed with situational depression and was prescribed with antidepressant medication. IHMS reported that he attended regular appointments with a psychologist.</p> <p>During a follow-up appointment with his GP Mr X advised that his mental health had improved, however he had ceased the antidepressant medication after experiencing side effects. Prior to his release from detention his mental health was monitored by his GP and he was advised to attend psychiatric reviews as required.</p>

**Ombudsman assessment/recommendation**

Mr X was granted a Bridging visa with an associated THS visa on 28 January 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 19 December 2012 after arriving in Australia as an unaccompanied minor aged 15, 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 his 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.