

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	Stateless (claimed), born in Country A
Year of birth	1997
Ombudsman ID	1003433
Date of DIBP's report	14 September 2015
Total days in detention	731 (at date of DIBP's report)

Detention history

13 September 2013	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 (SIEV) 847 <i>Empire</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
15 December 2014	Transferred to Bladin APOD.
22 December 2014	Transferred to community detention.
26 November 2015	Granted a Bridging visa and released from detention.

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.	
3 October 2013	An age determination assessment confirmed that Mr X was less than 18 years of age.
12 March 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ¹
30 June 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
29 July 2015	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) for assistance with lodging a temporary visa application.
11 August 2015	Mr X accepted the PAIS assistance and was assigned a provider to assist with lodging his application.
26 November 2015	Granted a Bridging visa.

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

30 September 2013 – ongoing	International Health and Medical Services (IHMS) advised that Mr X presented to his general practitioner (GP) on multiple occasions in relation to ongoing shoulder pain. He was prescribed with medication as required and provided with strengthening exercises. IHMS advised that several diagnostic tests were conducted with no abnormalities identified.
5 November 2013	Disclosed a history of torture and trauma but declined specialist counselling.
22 November 2013	Mr X was referred to the mental health team (MHT) by his GP who noted that his ongoing shoulder pain may be psychosomatic. IHMS advised that Mr X responded positively to psychological counselling, however declined further counselling as he believed his shoulder pain was not related to his mental health.
2 February 2014	Presented to the MHT with symptoms of distress related to a crisis in his homeland. He was referred to a psychologist and for specialist counselling. He attended a review on 5 December 2014 and no mental health concerns were raised. He continued to be monitored by his GP.
15 January 2015	Mr X received a steroid injection to treat his shoulder pain. No improvements were noted and he was referred to a hospital orthopaedic clinic for further review.
24 June 2015 – 20 July 2015	Attended 10 physiotherapy appointments.

Detention incidents

16 December 2013	DIBP Incident Reports recorded that Mr X allegedly behaved in an inappropriate way towards another detainee and was involved in a physical altercation. No further information was provided.
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Other matters

28 March 2014	The Australian Human Rights Commission notified DIBP of a complaint lodged by Mr X. DIBP provided a response on 22 August 2014 and the matter was finalised on 21 January 2015.
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Case status

Mr X was granted a Bridging visa on 26 November 2015 and released from immigration detention.

Mr X was detained on 13 September 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard SIEV *Empire* and was held in detention for over two years before being granted a Bridging visa.

On 30 June 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 11 August 2015 Mr X accepted the PAIS assistance and was assigned a provider to assist with lodging his application.