

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

Name	Mr X
Citizenship	Country A
Year of birth	1982
Ombudsman ID	1003380
Date of DIBP's report	31 August 2015
Total days in detention	734 (at date of DIBP's report)

Detention history

25 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 839 <i>Wattsville</i> . He was transferred to an Alternative Place of Detention, Christmas Island.
26 August 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
25 August 2015	Transferred to Yongah Hill IDC.
2 February 2016	Granted a Bridging visa and released from 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.	
12 March 2014	DIBP notified Mr X of the unintentional release of personal information. ¹
31 August 2015	DIBP advised that Mr X's case was being assessed against the guidelines under s 195A for a possible referral to the Minister.
2 February 2016	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

International Health and Medical Services provided details of Mr X's health and welfare. No significant ongoing mental health concerns were noted.	
12 January 2014 and 2 June 2014	DIBP Incident Reports recorded that Mr X refused food and fluid as a form of protest.
2 September 2014	Presented with recurring back pain related to a previous injury. An x-ray identified spinal abnormalities and he was prescribed with medication.
19 May 2015	Attended a teleconference with a neurosurgical specialist and no further treatment was recommended.
July 2015	Reviewed by a pain specialist following ongoing back pain and mobility concerns. He was referred for a bone scan and physiotherapy.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 2 February 2016 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 25 August 2013 after arriving in Australia aboard SIEV *Wattsville* 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 Mr X's 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.