

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 immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1997
Ombudsman ID	1003419
Date of DIBP's reports	9 September 2015 and 10 March 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

9 September 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 16 aboard Suspected Illegal Entry Vessel (SIEV) 845 <i>Calvert</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
15 December 2014	Transferred to Bladin APOD.
23 December 2014	Transferred to community detention.
26 June 2015	Transferred to Maribyrnong Immigration Detention Centre (IDC).
1 August 2015	Transferred to Christmas Island IDC.
17 December 2015	Transferred to Maribyrnong IDC.

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.	
12 March 2014	DIBP notified Mr X of the unintentional release of personal information. ¹
25 June 2015	Mr X's community detention placement was revoked under s 197AD following alleged behavioural incidents.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
10 November 2015	DIBP invited Mr X to apply for a temporary visa.
4 December 2015	Lodged a Temporary Protection visa (TPV) application which triggered an associated Bridging visa application.
4 January 2016	Associated Bridging visa application was invalid.

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.

23 March 2016	Mr X signed a request for removal from Australia.
6 April 2016	DIBP advised that Mr X withdrew his request for removal.

Criminal matters

11 January 2016	The Victoria Police charged Mr X with four offences including threatening to kill and using a telecommunications device to harass.
10 March 2016	Appeared before the B Magistrates Court and found guilty of two counts of threatening to kill. DIBP advised that Mr X received a three-month good behaviour bond and no conviction was recorded.

Health and welfare

11 August 2014	A DIBP Incident Report recorded that Mr X threatened self-harm.
13 February 2015	International Health and Medical Services (IHMS) advised that Mr X presented to a general practitioner with symptoms of depression, including low mood and situational stress. He was referred for specialist counselling, however he was unable to attend as he was transferred to Maribyrnong IDC. IHMS further advised that Mr X was closely monitored by the mental health team (MHT) and detention centre staff following multiple incidents of self-harm. He was reviewed by a psychiatrist and diagnosed with an adjustment disorder and recommended for counselling. His mental health continues to be monitored by the MHT.
1 June 2015	A DIBP Incident Report recorded that Mr X threatened self-harm.
7 June 2015	A DIBP Incident Report recorded that Mr X presented with stomach pain and threatened self-harm. He was transferred to hospital and diagnosed with suspected gastritis.
24 August 2015	Mr X declined to attend a mental health assessment.
25 September 2015 and 28 October 2015	DIBP Incident Reports recorded that Mr X self-harmed by cutting himself with a razor blade.

Detention incidents

DIBP Incident Reports recorded that Mr X has allegedly been involved in numerous behavioural incidents and has displayed abusive, aggressive and threatening behaviour towards detainees and detention centre staff.	
9 February 2014, 21 March 2014 and 7 June 2014	DIBP Incident Reports recorded that Mr X was involved in multiple altercations with other unaccompanied minors.
12 November 2014	A DIBP Incident Report recorded that Mr X allegedly punched a Serco officer on the shoulder.
19 November 2014	A DIBP Incident Report recorded that Mr X allegedly made inappropriate threats towards another unaccompanied minor.

12 May 2015	A DIBP Incident Report recorded that Mr X was expelled from school following abusive and aggressive behaviour.
26 August 2015	A DIBP Incident Report recorded that Mr X allegedly assaulted another detainee by punching his face. DIBP advised that the incident was referred to Australian Federal Police.
11 December 2015 and 12 December 2015	DIBP Incident Reports recorded that Mr X allegedly threatened and assaulted Serco officers and spontaneous use of force was required to prevent further injury.

Other matters

Mr X's sister, Ms Y, arrived in Australia aboard SIEV <i>Uckfield</i> and was granted a Bridging visa on 14 August 2015.	
7 November 2015	<p>Mr X lodged a complaint with the Ombudsman's office regarding his detention placement at Christmas Island IDC. He advised that he wished to be transferred to a facility closer to his support network.</p> <p>DIBP advised that Mr X was transferred to Christmas Island IDC for operational reasons and on 17 December 2015 he was transferred to Maribyrnong IDC.</p> <p>The complaint was finalised on 25 February 2016.</p>

Information provided by Mr X

<p>During an interview with Ombudsman staff at Maribyrnong IDC on 23 March 2016 Mr X said that he wished to return to Country A and had signed a request for voluntary removal earlier that day. Mr X said that his placement in restricted detention facilities was upsetting and he wished to regain his freedom.</p> <p>Mr X advised that his community detention placement was revoked after he became abusive and threatened community detention staff members. He said he was frustrated and upset after he became stranded in another suburb with no money for public transport and was unable to return to his community detention residence. After being located by police, Mr X said he was re-detained by Serco officers and transferred to Maribyrnong IDC.</p> <p>Mr X reported that he has no physical or mental health concerns and regularly exercises. He said that he had not experienced any issues with detention centre staff or other detainees, however he expressed concern about certain detainee cohorts at Maribyrnong IDC.</p>
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Case status

<p>Mr X was detained on 9 September 2013 after arriving in Australia as an unaccompanied minor aged 16 aboard SIEV <i>Calvert</i> and has been held in detention for over two and a half years.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 4 December 2015 Mr X lodged a TPV application.</p>
