

**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 36 months (three years).

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1003352
Date of DIBP's reports	19 August 2015, 17 February 2016 and 17 August 2016
Total days in detention	1094 (at date of DIBP's latest report)

Detention history

19 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 835 <i>Saginaw</i> . He was transferred to Christmas Island Immigration Detention Centre (IDC).
14 March 2014	Transferred to Perth IDC.
20 March 2014	Transferred to Yongah Hill IDC.
6 May 2014	Transferred to Wickham Point Alternative Place of Detention (APOD).
7 May 2014	Transferred to Christmas Island IDC.
3 June 2014	Transferred to Wickham Point APOD.
7 June 2014	Transferred to Yongah Hill IDC.
22 August 2014	Transferred to Perth IDC.
4 September 2014	Transferred to Wickham Point APOD.
5 September 2014	Transferred to Christmas Island IDC.
19 November 2014	Transferred to Wickham Point IDC.
20 November 2014	Transferred to Perth IDC.
4 December 2014	Transferred to Christmas Island IDC.
9 October 2015	Transferred to Wickham Point APOD.
7 July 2016	Transferred to Villawood IDC.
19 October 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 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 and advised that the privacy breach would be taken into account when considering his protection claims.
29 September 2015	The Minister declined to intervene under s 195A to grant Mr X a Bridging visa.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
26 October 2015	DIBP notified Mr X that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on the same day and was assigned a PAIS provider on 5 November 2015.
22 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
25 July 2016	Mr X's SHEV application was refused. DIBP advised that the privacy breach was taken into account when assessing the application. On the same day his case was referred to the Immigration Assessment Authority (IAA) for review.
19 October 2016	Granted a Bridging visa.

Health and welfare

<p>International Health and Medical Services (IHMS) reported that Mr X disclosed a history of torture and trauma but declined specialist counselling. IHMS advised that he had an ongoing history of presenting with somatic complaints that could not be medically explained.</p> <p>IHMS further advised that Mr X has received treatment for ongoing musculoskeletal issues including fractures sustained while playing sports, spinal injuries, and gastric issues.</p> <p>DIBP incident reports recorded that Mr X threatened self-harm on multiple occasions and stated on several occasions that he was refusing food and fluid.</p>	
7 July 2015	A low-dose trial of antipsychotic medication was prescribed and reported to have been successful.

Detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in numerous behavioural incidents of a minor nature.	
20 August 2014	A DIBP Incident Report recorded that Mr X was allegedly involved in a major incident where he attempted to strike emergency response team officers with a shower rail.

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.

Other matters

23 December 2013	Mr X lodged a complaint with the Australian Human Rights Commission (AHRC) in relation to his immigration detention. On 29 June 2016 DIBP received the final views of the President of the AHRC. On 22 July 2016 DIBP provided the requested response. On 17 August 2016 DIBP advised that the matter remained ongoing.
15 August 2014	Mr X lodged a complaint with the Commonwealth Ombudsman's office about the standard of medical treatment he was receiving in detention. After investigation the complaint was finalised on 2 December 2014.
5 May 2015	Mr X lodged a complaint with the Commonwealth Ombudsman's office regarding concerns about his medical treatment and about difficulties in seeing a medical specialist in relation to a stomach condition. After investigation the complaint was finalised on 13 July 2015.
8 February 2016	Mr X lodged a complaint with the Commonwealth Ombudsman's office regarding his safety in the context of his placement, an alleged breach of his privacy and other matters. After investigation the complaint was finalised on 14 April 2016.

Case status

Mr X was detained on 19 August 2012 after arriving in Australia aboard *SIEV *Saginaw** and has been held in detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 22 December 2015 Mr X lodged a SHEV application.

DIBP subsequently found that Mr X is not owed protection under the Refugee Convention and the complementary protection criterion and has refused his SHEV application. His case has been referred to the IAA for review.

Mr X was granted a Bridging visa on 19 October 2016 and released from immigration detention.