

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	1977
Ombudsman ID	1002461
Date of DIBP's reports	5 May 2015 and 14 October 2015
Total days in detention	912 (at date of DIBP's latest report)

Detention history

8 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 438 <i>Saffron</i> . He was transferred to Phosphate Hill Alternative Place of Detention (APOD), Christmas Island.
14 September 2012	Transferred to Lilac Aqua APOD, Christmas Island.
16 September 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
10 October 2012	Transferred to Curtin IDC.
12 February 2013	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from detention.
19 September 2013	Mr X was re-detained under s 189(1) and transferred to Maribyrnong IDC, after he was charged with a criminal offence on 17 September 2013.
10 October 2013	Transferred to Yongah Hill IDC.
1 November 2013	Transferred to Curtin IDC.
28 August 2014	Transferred to Yongah Hill 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.	
25 January 2013	Referred for ministerial intervention under s 195A for consideration of a Bridging visa with an associated THS visa.
12 February 2013	Granted a Bridging visa with an associated THS visa.
26 September 2013	Mr X was identified as a person of interest to DIBP's National Security and Serious Crimes Reporting team (NSSCRT).

20 December 2013	Lodged a Protection visa application. On the same day his application was deemed to be invalid due to the bar under ss 46A and 91K preventing him from making a visa application.
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 At the time of DIBP's latest report Mr X was yet to provide his response.
12 December 2014	Mr X was deemed to be no longer a person of interest to the NSSCRT.
13 August 2015	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
3 September 2015	DIBP invited Mr X to lodge a temporary visa application.

Criminal history

17 September 2013	Mr X was charged with an indecent act with a minor, indecent assault and stalking following an incident on 27 August 2013.
20 December 2013	Mr X pleaded guilty to indecent assault and the prosecution withdrew all other charges. He was convicted and placed on a 12-month good behaviour bond.

Health and welfare

27 October 2013 – ongoing	International Health and Medical Services (IHMS) advised that Mr X was diagnosed with adjustment disorder with depressed mood and anxiety. He was prescribed with medication and has attended ongoing counselling with the mental health team in individual and group sessions. He also disclosed a history of torture and trauma and attended specialist counselling.
September 2014	Mr X's specialist counsellor recommended a community detention placement following the detrimental effects prolonged detention was having on his psychological wellbeing, without the prospect of being released.
21 September 2015	IHMS commented that Mr X's psychologist had reported that his underlying depression 'can be expected to deteriorate as a function of length of time spent in detention.'
11 October 2015 – ongoing	Diagnosed with gastro-oesophageal reflux disease. IHMS advised that he requires medication and dietary changes to manage his condition. No further information was provided.

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.

Case status

Mr X was detained on 8 September 2012 after arriving in Australia aboard SIEV *Saffron* and has been held in restricted detention for over two and a half years with no processing of his protection claims.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 3 September 2015 DIBP invited Mr X to apply.