

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

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1002995
Date of DIBP's reports	22 July 2015 and 16 January 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

18 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 795 <i>Perote</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
6 August 2013	Transferred to Northern Immigration Detention Centre (IDC).
22 August 2013	Transferred to Wickham Point APOD.

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.	
29 July 2014	Mr X was referred to an external agency for assessment.
22 July 2015	DIBP advised that Mr X remained a person of interest because of information recorded about alleged foreign criminal activity during his entry interview and that he remained in detention due to security and character concerns.
29 September 2015	The Minister lifted the s 46A bar to allow Mr X to lodge a temporary visa application.
6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
16 January 2016	DIBP advised that processing of Mr X's protection claims had not commenced, therefore no security or character assessments had been requested.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any mental health issues.	
July 2013 – October 2015	IHMS did not record any health summary information during this 25-month period.

6 November 2015 – ongoing	IHMS advised that Mr X was diagnosed with a medical condition. A general practitioner prescribed medication but this did not resolve the matter. He was referred to a specialist.
14 December 2015	IHMS advised that Mr X remained on the waiting list for a specialist review.

Information provided by Mr X

During a telephone conversation with Ombudsman staff on 10 February 2016 Mr X advised that he was having memory problems which he attributed to his prolonged detention.

He said that he did not recall saying anything about criminal activities in his entry interview because it had been so long ago. He had requested a record of the interview but had not yet received a response, and he had not lodged his visa application at this time.

Case status

Mr X was detained on 18 July 2013 after arriving in Australia aboard SIEV *Perote* and has been held in restricted detention for over two and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 6 November 2015 DIBP invited Mr X to apply.