

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	1988
Ombudsman ID	1003295
Date of DIBP's reports	19 August 2015 and 17 February 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

19 August 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland as a 'direct entry person' ¹ aboard Suspected Illegal Entry Vessel (SIEV) 832 <i>Piedmont</i> . He was transferred to Northern Immigration Detention Centre (IDC). Mr X arrived in Australia with his cousin, Mr Y, who resides in the community on a Bridging visa.
24 August 2013	Transferred to an Alternative Place of Detention (APOD), Christmas Island.
26 August 2013	Transferred to Christmas Island IDC.
9 October 2015	Transferred to Wickham Point APOD.
26 November 2015	Transferred to Perth IDC.
11 December 2015	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.	
12 March 2014	DIBP notified Mr X of the unintentional release of personal information. ²
25 September 2015	Mr X's case was referred on a ministerial submission for consideration to lift the bar under s 46A.

¹ Following legislative amendment on 20 May 2013, all unauthorised maritime arrivals, including those who arrived on the Australian mainland or an 'excised offshore location' were barred from lodging a Protection visa application under s 46A.

² 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.

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.
8 December 2015 and 8 January 2016	Mr X was granted an extension of time to lodge his temporary visa application.
31 January 2016	Lodged a Temporary Protection visa (TPV) application.

Criminal history

5 September 2014	Mr X was allegedly involved in an altercation with detainees of a different ethnicity at Christmas Island IDC. The matter was referred to the Australian Federal Police for investigation.
27 November 2014	He was charged with taking part in a riot.
13 January 2016	He appeared before the Perth Magistrates Court and was issued with a conditional release order of \$100 with a spent conviction.

Health and welfare

24 August 2013	International Health and Medical Services (IHMS) advised that Mr X presented to a general practitioner with eye pain related to a previous surgery. He was referred to an optometrist and ophthalmologist for assessment.
29 May 2014	A DIBP Incident Report recorded that Mr X refused food and fluid as a form of protest.
26 September 2014	Reviewed by an optometrist and provided with glasses.
25 June 2015	During a review with a psychiatrist, Mr X presented with symptoms of anxiety and distress related to his ongoing detention. He was prescribed with medication.
27 October 2015	Reviewed by an optometrist after presenting with further eye pain and blurry vision. The optometrist identified potential abnormalities and he was placed on a waiting list for an ophthalmology review. IHMS advised that he was provided with glasses and eye drops.
28 October 2015	No mental health concerns were identified during a routine mental health assessment. Mr X was advised to self-refer to the mental health team as required.

Case status

Mr X was detained on 19 August 2013 after arriving in Australia aboard SIEV *Piedmont* 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 31 January 2016 Mr X lodged a TPV application.