

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 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1979
Ombudsman ID	1003289
Date of DIBP's reports	26 August 2015 and 17 February 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

18 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 832 <i>Piedmont</i> . He was transferred to Northern Immigration Detention Centre (IDC).
29 October 2013	Transferred to Christmas Island IDC.
27 June 2015	Transferred to Wickham Point Alternative Place of Detention (APOD).
17 December 2015	Transferred to Perth IDC.
19 December 2015	Transferred to Wickham Point APOD.
25 May 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 lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
14 December 2015	Mr X was granted a 30-day extension to lodge his application.

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.

16 February 2016	Mr X was identified as eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.
25 May 2016	Granted a Bridging visa.

Criminal history

5 September 2014	DIBP advised that Mr X was involved in an altercation with detainees of a different ethnicity at Christmas Island IDC. The incident was referred to the Australian Federal Police for investigation.
27 November 2014	He was charged with taking part in a riot and appeared before the Christmas Island Magistrates Court.
13 January 2016	He was found guilty and received a six-month conditional release order and a \$100 fine.

Health and welfare

4 September 2013 – 9 December 2015	International Health and Medical Services (IHMS) advised that Mr X was diagnosed with latent tuberculosis. He received treatment and was monitored as per state policy.
13 January 2014	A DIBP Incident Report recorded that Mr X refused food and fluid as a form of protest.
February 2014	Disclosed a history of self-harm but declined a referral for specialist counselling. He was prescribed with antidepressant medication and self-referred to the mental health team (MHT) as needed.
21 July 2014 and December 2014	During psychiatric consultations, Mr X reported a history of depression. He was diagnosed with an adjustment disorder with anxiety and anger issues.
20 August 2015 – ongoing	Reviewed by an ear, nose and throat specialist after presenting with breathing difficulties related to a previous nasal injury. The specialist identified abnormalities and Mr X was referred for surgery.
24 December 2015	During a mental health assessment, he reported low mood, anxiety, poor appetite and loss of sleep. IHMS advised that his mental health had deteriorated following the death of friend. He was provided with counselling and monitored by the MHT.

Case status

Mr X was granted a Bridging visa on 25 May 2016 and released from immigration detention.

Mr X was detained on 18 August 2013 after arriving in Australia aboard SIEV *Piedmont* and was 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.