

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	Stateless (claimed), born in Country A
Year of birth	1998
Ombudsman ID	1002463-O
Date of DIBP's reports	14 December 2015 and 14 June 2016
Total days in detention	913 (at date of DIBP's latest report)

Detention history

14 December 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia with his family ¹ aboard Suspected Illegal Entry Vessel (SIEV) 871 <i>Catherine</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
21 December 2013	Transferred to Bladin APOD.
21 January 2014	Transferred to Christmas Island APOD.
14 March 2014	Transferred to Darwin Airport Lodge APOD.
15 March 2014	Transferred to Inverbrackie APOD.
3 December 2014	Transferred to Bladin APOD.
23 February 2015	Transferred to community detention.
1 April 2016	Transferred to a juvenile correctional facility following criminal charges.

Recent 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 he arrived in Australia after 13 August 2012 and was subject to the bar under s 46A.	
12 March 2014	DIBP notified Mr X of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering his protection claims.
5 February 2015	The Minister intervened under s 197AB to allow Mr X to reside in community detention.

¹ Mr X arrived with his parents, Mr Y and Ms Z, and his three siblings who were granted Bridging visas on 23 June 2016. They are the subject of Ombudsman report 1002262-O.

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.
14 June 2016	DIBP advised that Mr X's family's case has been identified for possible referral to the Minister under s 195A to grant a Bridging visa. Mr X is excluded from this process as a result of his ongoing criminal matters.

Other legal matters

28 October 2015	DIBP advised that Mr X was under investigation by police and issued with an interim intervention order following an alleged incident of domestic violence against his family. In February 2015 he appeared before a Children's Court after allegedly breaching the intervention order. The police withdrew the charges on 16 March 2016.
March 2016	Mr X was issued with a Family Violence order after he allegedly abused his girlfriend. The following day Mr X allegedly breached the order and assaulted his girlfriend. He was arrested by police and issued with three criminal charges, including attempted murder.
April 2016	Mr X was scheduled to appear before a Children's Court, however the appearance was delayed for medical reasons. DIBP advised that a new court date was scheduled in April 2016.

Health and welfare

<p>International Health and Medical Services advised that Mr X received psychological counselling for management of post-traumatic stress disorder and anxiety related to his history of torture and trauma and exposure to violent conflict. On 17 August 2015 the general practitioner (GP) advised that his anxiety was exacerbated by social isolation and bullying at school and recommended he be enrolled in a different school.</p> <p>Mr X also received treatment for suspected seizure episodes related to anxiety and distress. An electroencephalogram identified no abnormalities and he continues to be monitored by the GP and mental health team.</p>	
12 November 2014	A DIBP Incident Report recorded that Mr X threatened self-harm.

Detention incidents

<p>DIBP Incident Reports recorded that Mr X has allegedly been involved in multiple behavioural incidents involving allegations of threatening behaviour. On three occasions the police investigated the allegations and finalised the matters without charge.</p>	
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Case status

<p>Mr X was detained on 14 December 2013 after arriving in Australia with his family aboard SIEV <i>Catherine</i> and has been held in detention for over two and a half years.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.</p> <p>On 31 March 2016 Mr X was charged with attempted murder and transferred to a juvenile correctional facility. He was scheduled to appear before a Children's Court in April 2016.</p>	
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