

## 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1983
<b>Ombudsman ID</b>	1002998
<b>Date of DIBP's reports</b>	22 July 2015 and 19 January 2016
<b>Total days in detention</b>	914 (at date of DIBP's latest report)

### Detention history

19 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 796 <i>Rehobeth</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
26 July 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
29 August 2013	Transferred to Northern IDC.
5 September 2013	Transferred to Wickham Point APOD.
6 January 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point APOD.
21 April 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.	
July 2013	DIBP advised that Mr X was identified as a person of interest following information he disclosed during his entry interview.
27 October 2014	Mr X's case was referred to an external agency for assessment.
25 September 2015	Mr X's case was referred on a ministerial submission for consideration to lift the s 46A bar.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
12 November 2015	Mr X was notified that he was eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.

19 January 2016	Mr X attended an interview with DIBP in relation to his security assessment. DIBP advised that Mr X had yet to submit a temporary visa application.
21 April 2016	Granted a Bridging visa.

### Health and welfare

30 July 2013	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma.
25 September 2013	Mr X advised the general practitioner (GP) of pain and swelling in his ankle which occurred prior to his arrival in Australia. He was found to have an enlarged tendon and prescribed with medication pending specialist review.
23 December 2013 – 11 December 2015	Attended regular specialist counselling sessions.
January 2014	The specialist reviewing his ankle confirmed that surgery was required. Surgery was scheduled for 24 October 2014 but Mr X cancelled the surgery, reportedly because he was depressed. The GP reassured him that the matter could be revisited in the future.
10 April 2014	Reviewed by an IHMS psychiatrist and subsequently diagnosed with an adjustment disorder with mixed anxiety and major depression.
April 2015	Diagnosed with major depression with post-traumatic stress disorder. The IHMS psychiatrist discussed the option of hospital admittance but Mr X chose to have a medication review and was referred for specialist counselling.
8 December 2015	A mental health review noted that Mr X was fearful of being sent back to Country A and described his mood as distressed and tearful. However, he denied any thoughts of self-harm.
15 December 2015	IHMS advised that Mr X attended specialist counselling and had been prescribed medication. The mental health team provided counselling and strategies to help manage his anxiety.

### Information provided by Mr X

During a telephone conversation with Ombudsman staff on 17 December 2015 Mr X advised that as time passed he felt under increasing pressure. He had been informed he will remain in detention until he received a security clearance. He did not know what triggered the security concerns in his case and explained he had come to Australia to escape the Country A army which had tortured him.

Mr X advised he had recently been assigned a lawyer, filled out forms for a Temporary Protection visa application and was awaiting an interview in January 2016.

**Case status**

Mr X was granted a Bridging visa on 21 April 2016 and released from immigration detention.

Mr X was detained on 19 July 2013 after arriving in Australia aboard SIEV *Rehobeth* and was held in restricted detention for over two and a half years before being granted a Bridging visa.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 12 November 2015 Mr X was informed that he was eligible to receive PAIS assistance.