

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 a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1984
Ombudsman ID	1003048
Date of DIBP's reports	27 July 2015 and 13 January 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

25 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 762 <i>Alabaster</i> with his wife and children. They were transferred to an Alternative Place of Detention (APOD), Christmas Island.
8 July 2013	Mr X and his family were transferred to Christmas Island Immigration Detention Centre.
19 July 2013	Mr X and his family were transferred to Wickham Point APOD.
10 June 2014	Mr X and his family were transferred to community detention. ¹
30 July 2014	Mr X was transferred to a correctional facility following alleged domestic violence offences.
8 August 2014	Transferred to Facility B.
8 August 2015	Transferred to Facility C.
1 October 2015	Transferred to Facility D.

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.	
13 March 2014	DIBP notified Mr X of the unintentional release of personal information. ²
15 May 2014	The former Minister intervened under s 197AB to place Mr X and his family in community detention.

¹ Mr X's wife and children remained in community detention until they were granted Bridging visas on 11 March 2015.

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.

24 July 2014	The former Minister revoked Mr X's community detention placement after he was taken into custody following an alleged incident of domestic violence.
8 August 2014	Mr X was granted bail and transferred to Facility B.
28 September 2015	Referred on a ministerial intervention submission under s 46A for consideration to lift the bar.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa.
27 October 2015	DIBP invited Mr X to apply for a temporary visa.
17 November 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.

Criminal history

20 July 2014	A DIBP Incident Report recorded that Mr X allegedly assaulted his wife and threatened to kill her with a knife in front of their nine-year-old daughter. He was arrested and held on remand. The children were taken into care for one night.
22 July 2015	Mr X appeared in court to face charges arising from domestic violence. He was found guilty of four offences and received a 26-month suspended sentence with a good behaviour bond and 18 months' probation.

Health and welfare

13 February 2014 – 15 July 2015	International Health and Medical Services (IHMS) advised that Mr X was identified to have multiple mental health issues including anxiety and depression, adjustment and impulse control disorders and post-traumatic stress disorder. IHMS reported that Mr X required counselling and regular psychological and psychiatric assessment because of his mental health issues and issues with domestic violence.
9 April 2014 – 15 July 2015	Mr X completed a six-month course of preventative medication for latent tuberculosis (TB). He attended appointments at a hospital TB clinic and following clear x-rays he was discharged from the clinic.
6 May 2014	A DIBP Incident Report recorded that a detainee reported to a Serco officer that Mr X had threatened self-harm.
19 August 2014	A DIBP Incident Report recorded that during a meeting Mr X had repeatedly requested that IHMS give him a lethal injection.
6 January 2015 – 7 July 2015	Attended regular specialist counselling appointments.
16 July 2015 – 11 December 2015	Mr X continued to see the mental health team (MHT) and a specialist counsellor. IHMS stated that he was compliant with medication and self-referred to the MHT.
August 2015	The specialist counsellor reported that Mr X displayed ongoing anxiety and distress symptoms which affected his overall functioning.

Detention incidents

18 June 2015	A DIBP Incident Report recorded that Mr X had lodged a complaint about being sexually assaulted. No further information was provided.
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Case status

Mr X was detained on 25 June 2013 after arriving in Australia aboard SIEV *Alabaster* and has been held in 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 17 November 2015 Mr X lodged a SHEV application.