

**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>	1987
<b>Ombudsman ID</b>	1003391
<b>Date of DIBP's reports</b>	2 September 2015 and 3 March 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

2 September 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 841 <i>Yantley</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
3 September 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
18 December 2014	Transferred to Wickham Point APOD.
8 January 2015	Transferred to Christmas Island IDC.
22 May 2015	Transferred to Yongah Hill IDC.
31 May 2015	Transferred to Wickham Point APOD.
26 November 2015	Transferred to Perth IDC.
11 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. <sup>1</sup>
28 September 2015	Mr X's case was referred on a ministerial submission for consideration to lift the bar under s 46A.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
29 October 2015	DIBP invited Mr X to lodge a temporary visa application.

<sup>1</sup> 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.

12 January 2016	Lodged a Safe Haven Enterprise visa (SHEV) application which triggered an associated Bridging visa application.
15 February 2016	Associated Bridging visa application deemed invalid.
18 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application and should he accept the offer, he will be invited to lodge a new application or provide further information in relation to his current SHEV application.
25 May 2016	Granted a Bridging visa.

### **Criminal history**

5 September 2014	DIBP advised that Mr X was allegedly 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.
1 December 2014	Mr X was charged with offences relating to the incident which occurred on 5 September 2014.
17 March 2015	Mr X appeared before the Christmas Island Court and pleaded not guilty. DIBP advised that the matter was adjourned and scheduled for trial allocation at the Perth Magistrates Court.
3 March 2016	DIBP reported that Mr X subsequently pleaded guilty and was found guilty of taking part in riot. He received a six-month good behaviour bond and was fined \$100.

### **Health and welfare**

<p>International Health and Medical Services (IHMS) advised that Mr X was treated for chronic hand pain related to an incident which occurred in Country A. He attended specialist reviews and was on a surgical waiting list.</p> <p>IHMS reported that Mr X experienced symptoms of depression and anxiety related to his chronic hand pain and had made repeated threats of self-harm. IHMS advised that he received regular support from the mental health team and continued to be closely monitored by detention centre staff. At the time of the latest IHMS report, IHMS advised that his mental health had stabilised.</p>	
8 September 2013 – 25 May 2016	Mr X was identified as a tuberculosis contact and monitored as per state policy.
31 October 2013	Disclosed a history of torture and trauma and was referred for specialist counselling.

### **Other matters**

24 July 2014	The Australian Human Rights Commission lodged a complaint on Mr X's behalf relating to the provision of health services in immigration detention. DIBP provided its response on 25 August 2014 and the matter was finalised on 1 December 2014.
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**Case status**

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

Mr X was detained on 2 September 2013 after arriving in Australia aboard SIEV *Yantley* 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 January 2016 Mr X lodged a SHEV application.

On 18 February 2016 DIBP notified Mr X that he was eligible for PAIS to assist with lodging a new temporary visa application or updating his existing application.