

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 a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1991
Ombudsman ID	1002672
Date of DIBP's report	4 June 2015
Total days in detention	731 (at date of DIBP's report)

Detention history

16 May 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 332 <i>Kaban</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. The Department of Immigration and Border Protection (DIBP) advised that he arrived with his uncle. No further information was provided.
18 May 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
14 August 2012	Transferred to Wickham Point IDC.
19 August 2012	Transferred to Scherger IDC.
13 September 2012	Granted a Bridging visa and released from detention.
28 September 2013	Mr X's third Bridging visa expired. He was re-detained under s 189(1) and transferred to Brisbane Immigration Transit Accommodation (ITA).
23 December 2013	Transferred to Scherger IDC.
25 January 2014	Transferred to Curtin IDC.
17 March 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point APOD. ¹
8 October 2015	Mr X was released from detention when he voluntarily departed Australia to return to Country A.

¹ DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X was accommodated in the single adult male compound at Wickham Point APOD.

Visa applications/case progression

19 June 2012	The Minister lifted the bar under s 46A.
30 August 2012	Lodged a Protection visa application.
5 September 2012	Attended a Protection visa interview.
13 September 2012	The former Minister intervened under s 195A to grant Mr X a Bridging visa. He was released from immigration detention the same day.
8 October 2012	Protection visa application was refused.
10 October 2012	Appealed to the Refugee Review Tribunal (RRT).
8 May 2013	RRT affirmed the original decision to refuse the Protection visa application.
17 June 2013 – 28 August 2013	Granted a further three Bridging visas.
28 September 2013	His third Bridging visa ceased and he was re-detained.
7 October 2013	Requested judicial review by the Federal Circuit Court (FCC).
13 November 2013	FCC affirmed the original decision.
18 November 2013	Requested judicial review by the Full Federal Court (FFC). On the same day, the FFC affirmed the original decision.
10 December 2013	Requested ministerial intervention under ss 417 and 48B. DIBP advised that Mr X's case was found not to meet the guidelines for referral to the former Minister.
13 February 2014	Requested voluntary removal.
21 March 2014	Withdrew request for voluntary removal.
10 July 2014	Issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ²
21 July 2014	Provided his response and DIBP advised that it was assessing whether he had raised further protection claims as a result of the privacy breach.
13 January 2015	Mr X was notified that an International Treaties Obligations Assessment (ITOA) had commenced in order to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.
13 March 2015	Mr X provided a response to DIBP in relation to the ITOA. DIBP advised the matter was ongoing.
8 October 2015	Mr X voluntarily departed Australia.

² In a media release dated 19 February 2015 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.

Health and welfare

May 2012	<p>International Health and Medical Services (IHMS) reported that Mr X advised that he had epilepsy since childhood but had not suffered a seizure in two years.</p> <p>He was prescribed with medication which was ceased in November 2014 as he had not reported any seizures since arriving in Australia.</p>
January 2014 – ongoing	<p>Referred to an ear, nose and throat (ENT) specialist for surgical intervention as structural deformity caused by a previous injury was causing him pain.</p> <p>IHMS advised that Mr X was unable to attend the specialist appointment as he was transferred to another facility. In April 2014 a second referral was arranged. In May 2014 an x-ray identified no abnormalities and in August 2014 he was placed on a hospital ENT clinic waiting list.</p>
January 2014	<p>An IHMS psychiatrist diagnosed Mr X with chronic stress and he was encouraged to continue engaging in group and individual counselling sessions and continue specialist counselling. Mr X disclosed a history of torture and trauma and accepted a referral for specialist counselling.</p>
13 November 2014 and 20 November 2014	<p>He attended appointments with a specialist counsellor.</p>
May 2015	<p>His mental health review noted that he continued to experience poor sleep and appetite because of his worries and stress while awaiting the outcome of his appeal and he saw the mental health team as he required.</p>

Case status

Mr X voluntarily departed Australia on 8 October 2015 and returned to Country A.