

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 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1986
Ombudsman ID	1003280
Date of DIBP's report	20 August 2015
Total days in detention	732 (at date of DIBP's report)

Detention history

18 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 834 <i>Reform</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
21 August 2013	Transferred to Christmas Island Immigration Detention Centre.
19 February 2015	Transferred to Wickham Point APOD. ¹
22 October 2015	Granted a Bridging visa and released from detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, 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 the Minister had not lifted the bar under s 46A.	
20 August 2015	DIBP advised that Mr X was a person of interest following an anonymous allegation received through the Australian Federal Police (AFP). The AFP advised that he was not the subject of an active investigation.
22 October 2015	Granted a Bridging visa.

Health and welfare

19 August 2013	International Health and Medical Services (IHMS) reported that Mr X disclosed a history of torture and trauma with associated nightmares and worries, but declined specialist counselling. He was made aware of the self-referral process.
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¹ Wickham Point was designated as an APOD on 11 July 2013. 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.

2 June 2014	A DIBP Incident Report recorded that Mr X allegedly refused food and fluid. No further information was provided.
22 June 2014	He complained of ongoing shoulder pain after sustaining a sport injury. An x-ray identified no abnormalities. He was prescribed with medication to take as required and referred for physiotherapy but did not attend any scheduled sessions. No further concerns were raised.
1 October 2014	The IHMS psychiatrist commented that Mr X presented as demoralised with stress symptoms and recommended psychotherapy.
16 June 2015	At his mental health review he presented with no signs of an acute mental illness and had a positive attitude towards his current situation.
31 July 2015	IHMS advised that Mr X was provided with mental health support as needed.

Detention incidents

27 May 2014 – 2 June 2014	A DIBP Incident Report recorded that Mr X took part in a protest at Christmas Island IDC.
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Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 22 October 2014 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 18 August 2013 after arriving in Australia and was held in detention for over two years before being granted a Bridging visa. The Ombudsman further notes that, at the time of DIBP's review, processing of Mr X's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X's protection claims commence as soon as possible.