

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 restricted immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1003357
Date of DIBP's reports	20 August 2015 and 18 February 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

19 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 835 <i>Saginaw</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
20 August 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
22 October 2014	Transferred to Wickham Point APOD.
29 October 2014	Transferred to Perth IDC.
30 October 2014	Transferred to Christmas Island IDC.
15 April 2015	Transferred to Yongah Hill IDC.

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.	
5 March 2014	DIBP notified Mr X of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering his protection claims.
21 July 2014	Requested voluntary removal from Australia.
6 August 2014	Withdrew his request for voluntary removal.
27 August 2014	Requested voluntary removal from Australia.
11 September 2014	Withdrew his request for voluntary removal.
8 September 2015	Mr X's case was referred on a first stage submission for consideration under s 195A for the grant of a Bridging visa.

¹ 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.

29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
26 October 2015	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.
2 November 2015	Mr X accepted the PAIS assistance and was assigned a provider.
11 November 2015	The Minister declined to intervene under s 195A.
11 December 2015	Lodged a Temporary Protection Visa (TPV) application which triggered an associated Bridging visa application.
11 February 2016	Associated Bridging visa application deemed invalid.

Criminal history

15 August 2014	DIBP advised that Mr X was involved in an incident at Christmas Island IDC which resulted in property damage.
25 August 2014	The incident was referred to the Australian Federal Police for investigation and Mr X was charged with causing criminal property damage.
4 November 2014	Appeared before the Perth Magistrates Court and was issued with a Conditional Release Order (CRO) for six months and fined \$200. DIBP advised that CRO ceased on 3 March 2015 and the matter was finalised.

Health and welfare

17 December 2013	International Health and Medical Services (IHMS) reported that Mr X presented with symptoms of anxiety after receiving information from overseas. He was reviewed by a psychiatrist and closely monitored by the mental health team. IHMS advised that no mental health concerns were identified and he was advised to self-refer as required.
19 February 2014	Presented with recurring back and groin pain related to a previous injury. An x-ray and ultrasound identified no abnormalities and he was referred for a magnetic resonance imaging (MRI) scan.
9 August 2014 and 17 April 2015	Mr X was admitted to a hospital emergency department on two occasions following abdominal pain. A computed tomography (CT) scan identified mild abnormalities, but no diagnosis was confirmed. He was prescribed with pain relief medication and referred to a urologist and for an ultrasound.
5 August 2014 – 16 August 2014	DIBP Incident Reports recorded that Mr X allegedly threatened self-harm on three occasions.
15 August 2014	A DIBP Incident Report recorded that Mr X allegedly self-harmed by cutting his forearms.
4 August 2015	The MRI identified spinal abnormalities and he was prescribed with pain relief medication. IHMS advised that he continues to attend physiotherapy for ongoing management.
20 November 2015	An abdominal CT scan identified abnormalities and he was referred to a gastroenterologist.

Detention incidents

DIBP Incident Reports recorded that Mr X has allegedly been involved in several behavioural incidents including displaying aggressive and abusive behaviour towards detention centre staff and other detainees and causing damage to property.

Other matters

17 March 2014	Mr X lodged a complaint with the Ombudsman's office in relation to the healthcare provided at Christmas Island IDC. Following an investigation by the Ombudsman's office, DIBP advised that Mr X had been referred for further specialist testing and was receiving care in accordance with community standards. The complaint was finalised on 9 December 2014.
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Case status

Mr X was detained on 19 August 2013 after arriving in Australia aboard SIEV *Saginaw* and has been held in restricted 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 11 December 2015 Mr X lodged a TPV application.