

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 X
Year of birth	1990
Ombudsman ID	1003393
Date of DIBP's report	3 September 2015
Total days in detention	731 (at date of DIBP's 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 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).
7 February 2014	Transferred to Perth IDC.
7 February 2014	Transferred to a psychiatric hospital.
11 March 2014	Transferred to Yongah Hill IDC.
20 March 2015	Transferred to Casuarina Prison APOD.
15 April 2015	Transferred to Villawood IDC.
January 2016	Mr X was released from detention when he voluntarily departed Australia and returned to Country A.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to his departure from Australia, 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.	
12 March 2014	DIBP notified Mr X of the unintentional release of personal information. ¹
4 February 2015	Mr X's case was referred on a ministerial submission for consideration of a community detention placement under s 197AB.
5 February 2015	The Minister declined to intervene under s 197AB.

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.

28 April 2015	Mr X requested voluntary removal from Australia.
14 July 2015	Mr X was provided with information from the International Organization of Migration.
January 2016	Mr X voluntarily departed Australia.

Health and welfare

DIBP Incident Reports recorded that Mr X was involved in over 30 incidents of threatened or actual self-harm including sewing his lips together, throwing himself at a window, lunging at a wall, banging his head against walls and hard objects, attempting to hang himself, knocking his head against a window, attempting to strangle himself with a cord, attempting to choke himself, and using a razor blade to make superficial wounds on his chest, abdomen, and head.	
2 September 2013	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and was provided with ongoing mental health support.
8 September 2013	Mr X was identified as a tuberculosis contact. Chest x-rays identified no abnormal results and he was monitored as per state policy.
13 October 2013	During a mental health assessment Mr X informed a mental health nurse of his history of self-harm prior to his arrival in Australia.
January 2014	Mr X was diagnosed with post-traumatic stress disorder. IHMS advised that Mr X remained on Supportive Monitoring and Engagement observations and was provided with medication. IHMS further advised that he continued to see the mental health team and that a further mental health assessment was scheduled for 17 August 2015.
8 February 2014 – 14 March 2014	Mr X was involuntarily admitted under mental health legislation for a psychiatric assessment at a psychiatric hospital following a suicide attempt and hallucinations. He was diagnosed with adjustment disorder and an emotionally unstable personality disorder as he was impulsive, had mood swings, poor coping skills and relationship problems due to a traumatic childhood. He was discharged with antidepressant medication.

Detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in numerous incidents including displaying abusive or aggressive behaviour, incidents involving minor property damage and a minor assault.	
20 March 2015	Mr X was allegedly involved in protest activity which included aggressive and abusive behaviour towards Serco officers, damage to property and self-harm. The matter was referred to the Australian Federal Police (AFP) on 26 March 2015.
29 May 2015	A DIBP Incident Report recorded that Mr X was among a group of five detainees who allegedly assaulted another detainee.
24 June 2015	The AFP notified DIBP there would be no further investigation of Mr X's involvement in protest activity at Yongah Hill IDC on 20 March 2015.

Information provided by Mr X

During an interview with Ombudsman staff at Villawood IDC on 18 December 2015 Mr X advised that he had elected to return to Country A in two weeks.

He said that he participated in the activities offered at Villawood IDC but did not find them to be of great interest and did not think the facilities were adequate.

He referenced his mental health by lifting his shirt to reveal numerous parallel scars on his torso which he said was the result of mental health issues.

Case status

Mr X voluntarily departed Australia in January 2016 and returned to Country A.