

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABELING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O report on Miss X who has remained in immigration detention for more than 24 months (two years).

Name	Miss X
Citizenship	Country A
Year of birth	1998
Ombudsman ID	1003180
Date of DIBP's report	28 July 2015
Total days in detention	733 (at date of DIBP's report)

Detention history

25 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel (SIEV) 809 <i>Lineville</i> . She was transferred to Facility B.
21 February 2014	Transferred to Facility C.
3 July 2014	Transferred to community detention.
<p>The Department of Immigration and Border Protection (DIBP) advised that members of Miss X's family reside in Australia and her estranged husband, Mr Y, resides unlawfully in Australia on an expired Bridging visa.</p> <p>Miss X has requested ongoing separation from Mr Y without contact.</p>	

Visa applications/case progression

30 June 2015	The Minister lifted the bar under s 46A to allow Miss X to lodge a temporary visa application. DIBP advised that Miss X has not yet been invited to make an application and is not being considered for the grant of a Bridging visa while she remains a minor.
9 July 2015	DIBP advised that an application was lodged for Miss X to reside with her sister, Ms Z. This matter remains outstanding.

Health and welfare

31 July 2013	<p>International Health and Medical Services (IHMS) advised that during her induction health assessment Miss X reported a history of back pain. Investigative tests were conducted with no abnormalities identified. She was referred for physiotherapy and provided with pain relief medication. Her condition continues to be monitored by her general practitioner.</p> <p>IHMS further advised that Miss X disclosed a history of torture and trauma and attended specialist counselling. She was placed on Psychological Support Program observations and received support from the mental health team on several occasions following self-harming behaviour.</p>
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21 August 2013 - 31 October 2013	Attended 10 specialist counselling sessions.
September 2013	IHMS advised that Miss X presented with advanced tooth decay and dental caries. In March 2014 she was reviewed by a dentist who noted concerns regarding her facial bone development and advised that she was unable to receive dental implants. IHMS advised that a treatment plan is in place and she is monitored by her dentist.
3 September 2013 - 13 November 2013	DIBP Incident Reports recorded that Miss X threatened self-harm on five occasions.
8 September 2013	A DIBP Incident Report recorded that use of force was required to prevent injury after Miss X was found self-harming. No further information was provided.
15 December 2013	DIBP Incident Reports recorded that Miss X self-harmed on three occasions by punching and hitting her head against her metal bed frame. No further information was provided.
20 January 2014 - 17 February 2014	DIBP Incident Reports recorded that Miss X threatened self-harm on three occasions.
26 February 2014 - 16 March 2014	DIBP Incident Reports recorded that Miss X threatened self-harm on three occasions during this period after being refused access to technology. No further information was provided.
18 March 2014	A DIBP Incident Report recorded that Miss X commenced voluntary starvation. No further information was provided.
28 March 2014	A DIBP Incident Report recorded that an ambulance was called after Miss X became lightheaded. No further information was provided.
8 April 2014 and 13 April 2014	A DIBP Incident Report recorded that Miss X threatened self-harm on two occasions. No further information was provided.
9 May 2014	A DIBP Incident Report recorded that Miss X threatened self-harm after expressing frustration and anger towards her estranged husband.
11 May 2014	Admitted to hospital following abdominal pain. IHMS advised that she was provided with pain relief medication and discharged the same day.
20 May 2014 - 13 March 2015	Attended four physiotherapy sessions for treatment of back pain.
3 June 2014	A DIBP Incident Report recorded that Miss X threatened to self-harm after not being allowed to attend a swimming event as she had missed school. No further information was provided.
11 August 2014	A DIBP Incident Report recorded that Miss X was admitted to hospital under a Mental Health Act following deteriorating mental health. No further information was provided.

9 September 2014 - 18 September 2014	Admitted to hospital following a dissociative episode at school. She was assessed by a psychiatric team and diagnosed with post-traumatic stress disorder and a possible depressive disorder. IHMS advised that she declined a prescription for antidepressant medication. After being discharged, Miss X attended three follow-up appointments with the psychiatric clinic and is monitored by her psychologist.
16 October 2014 - 26 June 2015	Attended nine psychologist appointments.
25 October 2014	A DIBP Incident Report recorded that Miss X threatened self-harm after she was informed that her mother, who lives overseas, had been shot. No further information was provided.
14 November 2014	A DIBP Incident Report recorded that Miss X threatened self-harm. No further information was provided.
28 December 2014	A DIBP Incident Report recorded that Miss X was transferred to hospital by ambulance after becoming lightheaded. DIBP advised that she was not admitted.
26 March 2015	A DIBP Incident Report recorded that an ambulance was called after Miss X fainted while travelling to school. No further information was provided.
30 March 2015	A DIBP Incident Report recorded that Miss X self-harmed by cutting her wrist and medical attention was required. No further information was provided.
7 April 2015	A DIBP Incident Report recorded that Miss X threatened self-harm.
12 April 2015	A DIBP Incident Report recorded that an ambulance was called after Miss X presented in a distressed state. No further information was provided.
13 April 2015	A DIBP Incident Report recorded that an ambulance was called to assess Miss X's condition after she collapsed. No further information was provided.
19 June 2015	Admitted to a hospital emergency department after fainting. IHMS advised that she remained in hospital under observation before being discharged.
16 July 2015	A DIBP Incident Report recorded that Miss X threatened self-harm during an appointment with her psychologist.

Detention incidents

21 September 2013	A DIBP Incident Report recorded that Miss X was allegedly assaulted. No further information was provided.
25 November 2013	A DIBP Incident Report recorded that Miss X was allegedly assaulted by another unaccompanied minor. No further information was provided.
24 February 2014 and 26 February 2014	DIBP Incident Reports recorded that Miss X displayed abusive and aggressive behaviour towards Serco staff on two occasions. No further information was provided.

5 August 2014	A DIBP Incident Report recorded that Miss X lodged a report with the police after receiving information that her estranged husband had arrived in State D and she was concerned for her safety.
14 November 2014 - 16 July 2015	A DIBP Incident Report recorded that Miss X was unexplainably absent from school on a number of occasions.
21 November 2014	A DIBP Incident Report recorded that Miss X was involved in an altercation with three girls not known to her and an ambulance was called. No further information was provided.
22 December 2014	A DIBP Incident Report recorded that Miss X was allegedly assaulted by a family member during an interstate visit. DIBP advised that the police and an ambulance were contacted, but Miss X did not require hospitalisation. She was returned to her community detention residence later that day.
16 May 2015 - 9 July 2015	DIBP Incident Reports recorded that Miss X breached her community detention conditions by returning home after curfew on six occasions.

Other matters

DIBP advised that Miss X has four brothers and a sister who reside in Australia. Her brothers, Mr Q, Mr R and Mr S arrived as maritime arrivals and were granted Bridging visas and Mr T arrived on a student visa. Her sister, Ms Z was granted a Partner visa and resides with her four children.

DIBP reported that it is currently reviewing a request for Miss X to reside with Ms Z.

Ombudsman assessment

The Ombudsman notes that Miss X was detained on 25 July 2013 after arriving in Australia as an unaccompanied minor aged 15 and has been held in detention for over two years with no processing of her protection claims.

The Ombudsman notes with concern the number of alleged self-harm and behavioural incidents involving Miss X. The Ombudsman notes advice from IHMS that Miss X has continued to experience mental health concerns while in community detention and requires ongoing support from mental health service providers. The Ombudsman further notes that her mental health continues to be monitored by her psychologist in the community and that she is awaiting a decision by the Minister for her transfer to reside with her sister and her family.

The Ombudsman notes that on 30 June 2015 the Minister lifted the bar under s 46A to allow Miss X to lodge a temporary visa application. The Ombudsman makes no recommendations in this report.