

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	Stateless (claimed), born in Country A
Year of birth	1982
Ombudsman ID	1003312
Date of DIBP's reports	24 August 2015 and 17 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) 836 <i>Trinity</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. Mr X arrived in Australia with his wife, Ms Y, who was granted a Bridging visa on 11 February 2015.
23 August 2013	Transferred with Ms Y to Christmas Island Immigration Detention Centre (IDC).
4 October 2013	Transferred with Ms Y to Darwin Airport Lodge APOD.
10 October 2013	Transferred with Ms Y to Northern IDC.
18 December 2013	Transferred with Ms Y to an APOD, Christmas Island.
20 December 2013	Transferred with Ms Y to Christmas Island IDC.
31 January 2014	Transferred with Ms Y to Northern IDC.
21 February 2014	Transferred with Ms Y to Christmas Island IDC.
25 March 2014	Transferred with Ms Y to Construction Camp APOD, Christmas Island.
2 December 2014	Following an alleged domestic violence incident, a DIBP Incident Report recorded that Ms Y requested a separation from Mr X and he was transferred to Christmas Island IDC.
18 June 2015	Transferred to Perth IDC.
19 June 2015	Transferred to Wickham Point APOD.
10 December 2015	Transferred to Yongah Hill IDC.
22 December 2015	Transferred to Facility B.

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.	
12 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.
24 August 2015	DIBP advised that Mr X had been identified as a person of interest due to the criminal charges relating to a domestic violence incident which occurred on 2 December 2014.
25 September 2015	Mr X's case was referred on a ministerial submission for consideration to lift the bar under s 46A.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
6 November 2015	DIBP invited Mr X to apply for a temporary visa.
18 November 2015	Mr X requested an extension of time to lodge a temporary visa application.
15 December 2015	DIBP granted Mr X a 30-day extension of time.
18 January 2016	DIBP granted Mr X a further 14-day extension of time.
17 February 2016	DIBP advised that Mr X was no longer a person of interest to DIBP.

Criminal history

2 December 2014	Mr X allegedly assaulted his wife, Ms Y, while they were residing at Construction Camp APOD. The matter was referred to the Australian Federal Police for investigation.
3 December 2014	Mr X was charged with common assault and appeared before the Christmas Island Magistrates Court.
17 December 2015	Mr X appeared before the Perth Magistrates Court and received a suspended sentence of seven months' imprisonment.

Health and welfare

August 2013	International Health and Medical Services (IHMS) reported that Mr X advised he had previously received treatment for tuberculosis. A chest x-ray identified no abnormalities and this condition was considered resolved.
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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.

August 2013 – ongoing	During his induction health assessment, Mr X advised that in 2010 he was diagnosed with human immunodeficiency virus. He was prescribed with medication. IHMS advised that he requires regular pathology testing and has remained compliant with his medication. No concerns have been raised.
12 September 2013	Diagnosed with hepatitis C following routine pathology testing. A liver ultrasound identified no abnormalities and he was referred to a specialist clinic for treatment.
18 October 2014	A DIBP Incident Report recorded that Mr X self-harmed and minimal use of force was applied to prevent self-harm.
21 December 2014	A DIBP Incident Report recorded that Mr X threatened self-harm to a Serco officer.
12 March 2015	Referred to an ear, nose and throat (ENT) specialist and audiologist after presenting with reduced hearing in his left ear.
15 March 2015	A DIBP Incident Report recorded that Mr X threatened self-harm because of a scheduled court appearance.
14 May 2015	Mr X was diagnosed with anxiety and prescribed with medication. During a psychiatric review, he was diagnosed with an adjustment disorder (date not provided). IHMS advised that he attended regular psychological counselling for management of his symptoms.
2 July 2015 and 10 July 2015	Reviewed by an ENT specialist and audiologist. No abnormalities were identified and no further treatment was required.
12 August 2015 – 19 January 2016	IHMS reported that Mr X presented with symptoms of anxiety and expressed thoughts of self-harm. He was referred to a psychologist for review.

Case status

Mr X was detained on 19 August 2013 after arriving in Australia aboard SIEV *Trinity* 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 6 November 2015 DIBP invited Mr X to apply.