

# 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1977
<b>Ombudsman ID</b>	1002372
<b>Date of DIBP's reports</b>	31 March 2015 and 28 September 2015
<b>Total days in detention</b>	919 (at date of DIBP's latest report)

## Detention history

23 March 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland aboard Suspected Illegal Entry Vessel 618 <i>Studebaker</i> . He was transferred to Northern Immigration Detention Centre (IDC).
10 April 2013	Transferred to Scherger IDC.
2 July 2013	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point Alternative Place of Detention. <sup>1</sup>

## Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that as Mr X arrived in Australia as a 'direct entry person' <sup>2</sup> he is not barred under s 46A from lodging a protection visa application.  DIBP further advised that following legislative amendment, Mr X is only eligible for a temporary visa.	
13 March 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. <sup>3</sup>
11 June 2014	Lodged a Protection visa application.
16 December 2014	He was invited to provide further information in relation to his Protection visa application.

<sup>1</sup> 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 is accommodated in the single adult male compound at Wickham Point APOD.

<sup>2</sup> A maritime arrival to Australia's mainland who is seeking protection.

<sup>3</sup> 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.

19 December 2014	Protection visa application refused.
31 December 2014	Appealed to the Refugee Review Tribunal (RRT).
27 March 2015	RRT affirmed original decision.
4 May 2015	Requested judicial review by the Federal Circuit Court (FCC).
13 August 2015	DIBP advised that the Minister withdrew from proceedings.
14 August 2015	FCC remitted the case to the RRT for reconsideration.

### **Health and welfare**

19 November 2014	International Health and Medical Services (IHMS) advised that Mr X was diagnosed with depression during a review with his general practitioner (GP). He was prescribed with antidepressant medication and advised to attend a follow-up appointment.
19 December 2014	Attended a follow-up appointment with his GP and advised that he had ceased his medication.
27 April 2015	Mr X presented to a GP with headaches and associated insomnia. He was prescribed with medication and provided with education.
12 June 2015	Attended a follow-up review with the mental health team (MHT) and disclosed that he was experiencing symptoms related to depression and his prolonged detention. IHMS advised that he continues to follow up with the MHT as required.
July 2015	Mr X attended an appointment with an audiologist after presenting with vertigo and tinnitus.

### **Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He is awaiting the outcome of the reassessment of his protection claims by the RRT.