

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).

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| Name | Mr X |
| Citizenship | Country A |
| Year of birth | 1988 |
| Ombudsman ID | 1003434 |
| Date of DIBP's reports | 17 September 2015 and 15 March 2016 |
| Total days in detention | 914 (at date of DIBP's latest report) |

Detention history

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| 13 September 2013 | Detained under s 189(1) of the <i>Migration Act 1958</i> following the expiry of his Bridging visa. He was transferred to Perth Immigration Detention Centre (IDC). |
| 3 December 2013 | Transferred to Yongah Hill IDC. |
| 10 September 2015 | Transferred to Christmas Island IDC. |

Visa applications/case progression

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| 24 January 2013 | Arrived in Australia as the holder of a Vocational Education and Training Sector (VETS) visa valid until 15 March 2015. |
| 26 March 2013 | Issued with a Non-Compliance Notice for breaching his visa conditions. |
| 23 August 2013 | Mr X advised the Department of Immigration and Citizenship that he had become homeless after his relationship with his visa sponsor (his sister) broke down. |
| 28 August 2013 | Mr X requested the cancellation of his VETS visa as he could no longer afford to live and study in Australia. On the same day his VETS visa was cancelled under s 116 and he was granted a Bridging visa valid until 12 September 2013 to enable him to organise his return to Country A. |
| 13 September 2013 | Following the expiry of his Bridging visa, Mr X was located and detained under s 189(1). |
| 26 September 2013 | Lodged a Protection visa application with an associated Bridging visa application. |
| 2 October 2013 | Associated Bridging visa application refused. |
| 4 December 2013 | Protection visa application refused. |
| 20 December 2013 | Appealed to the Refugee Review Tribunal (RRT). |

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| 13 March 2014 | The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information. ¹ |
| 22 July 2014 | RRT affirmed original decision. |
| 5 August 2014 | Found not to meet the guidelines for referral to the former Minister under s 417. |
| 18 August 2014 | Requested judicial review by the Federal Circuit Court (FCC). |
| 15 December 2014 | Lodged a Bridging visa application. |
| 17 December 2014 | Bridging visa application refused. |
| 1 July 2015 | The FCC heard Mr X's case and reserved its judgment. |

Health and welfare

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| 10 October 2013 | International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and was referred for specialist counselling. |
| 21 October 2013 – 9 September 2014 | Attended five specialist counselling sessions. |
| 30 December 2013 | Mr X was transferred to hospital and diagnosed with a fracture. His wrist was placed in a cast. |
| 24 July 2015 | Mr X was diagnosed with an adjustment disorder and prescribed with medication. |
| 9 September 2015 | A DIBP Incident Report recorded that Mr X threatened self-harm after being told that he would be transferred to Christmas Island IDC. IHMS advised that he was placed on high Supportive Monitoring and Engagement (SME) observations after being unable to guarantee his own safety. Following his transfer to Christmas Island IDC on 10 September 2015 Mr X's SME observations ceased and he commenced specialist counselling. |
| 27 January 2016 | Mr X requested medication for sleeping difficulties as he was experiencing ruminating thoughts. |

Detention incidents

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| DIBP Incident Reports recorded that Mr X has allegedly been involved in numerous minor behavioural incidents, including aggressive behaviour towards detention centre staff and other detainees and attempting to brew alcohol. On two occasions Mr X was reported to have been the victim of an alleged assault by another detainee. | |
| 21 August 2015 | A DIBP Incident Report recorded that spontaneous use of force was required. No further information was provided. |

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.

Other matters

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| 18 December 2014 | DIBP advised that Mr X was allegedly involved in an assault. The matter was referred to the Australian Federal Police (AFP) on 12 February 2015 and on 18 June 2015 the AFP advised that the matter was closed. |
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Case status

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| 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 judicial review. |
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