

## 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 24 months (two years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1986
<b>Ombudsman ID</b>	1003406
<b>Date of DIBP's report</b>	16 September 2015
<b>Total days in detention</b>	735 (at date of DIBP's report)

### Detention history

11 September 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> at Melbourne International Airport after being refused immigration clearance and transferred to Maribyrnong Immigration Detention Centre.
27 September 2013	Transferred to Melbourne Immigration Transit Accommodation.

### Visa applications/case progression

11 September 2013	Arrived in Australia on a stolen Country B passport and was refused immigration clearance under s 172.
29 October 2013	Lodged a Protection visa application with an associated Bridging visa application.
6 November 2013	Associated Bridging visa application was deemed invalid.
7 January 2014	Found not to meet the guidelines for referral to the former Minister under s 195A.
18 September 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. <sup>1</sup>
9 October 2014	Mr X provided his response and DIBP advised that it was assessing whether he had raised further protection related claims as a result of the privacy breach.
24 October 2014	Protection visa application refused. On the same day he was found not to meet the guidelines for referral to the former Minister under s 195A for consideration of a Bridging visa.
30 October 2014	Appealed to the Refugee Review Tribunal (RRT).
27 April 2015	RRT affirmed original decision.

<sup>1</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.

29 May 2015	Requested judicial review by the Federal Circuit Court.
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### Health and welfare

12 March 2014 – 30 December 2014	International Health and Medical Services (IHMS) advised that Mr X reported exacerbation of pre-existing back pain. Computed tomography and magnetic resonance imaging scans identified no abnormal results. He was prescribed with pain relief medication and attended 10 physiotherapy appointments.
19 August 2014 – ongoing	Disclosed a history of torture and trauma and was referred for specialist counselling. IHMS advised that Mr X regularly attended individual and group therapy counselling sessions since this time and maintains access to the mental health team and his general practitioner (GP) as necessary.
1 October 2014 – 9 April 2015	Attended 11 specialist counselling sessions.
4 February 2015	He presented to his GP with abdominal pain, was transferred to hospital and underwent surgery for appendicitis.
13 August 2015	A DIBP Incident Report recorded that an ambulance was requested after he threatened self-harm. No further information was provided.

### Other matters

24 November 2015	Mr X lodged a complaint with the Ombudsman's office advising that around two months ago he was allegedly informed that he was no longer allowed to participate in excursions and has received conflicting advice for the reason for denial. These matters are currently under investigation by the Ombudsman's office and remained outstanding at the time of this report.
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### 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 judicial review.
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