

**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 immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1002383
Date of DIBP's reports	1 April 2015 and 29 September 2015

Detention history

28 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 (SIEV) 627 <i>Barracuda</i> . He was transferred to Northern Immigration Detention Centre (IDC).
17 April 2013	Transferred to Scherger IDC.
25 January 2014	Transferred to Curtin IDC.
28 August 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Facility F.

Visa applications/case progression

<p>The Department of Immigration and Border Protection (DIBP) advised that as Mr X arrived in Australia as a 'direct entry person'¹ he is not barred under s 46A from lodging a temporary visa application.</p> <p>DIBP further advised that following legislative amendment Mr X is only eligible for a temporary visa.</p>	
12 March 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through DIBP's website. ²
19 June 2014	Lodged a Protection visa application.
17 September 2014	Protection visa interview conducted.
25 May 2015	Protection Visa application refused.
5 June 2015	Appealed to the Refugee Review Tribunal (RRT).
19 August 2015	Mr X was interviewed by the RRT.

¹ A maritime arrival to Australia's mainland who is seeking protection.

² 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 September 2015	DIBP advised that it is assessing whether Mr X meets the guidelines under s 195A for consideration of a Bridging visa.
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Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any mental health issues.	
27 February 2014	A DIBP Incident Report recorded that while he was detained at Curtin IDC an ambulance was called following a suspected snake bite to his left leg. No further information was provided.
27 May 2014	Mr X was reviewed by a general practitioner after he was found unconscious in his room following an alleged assault by another detainee. Mr X reported that he had been punched multiple times in the face, back of his head and chest resulting in a loss of consciousness. He was cleared of any serious injuries and was provided with education about signs or symptoms of a head injury.

Other matters

Mr X advised DIBP that he had been accused of murder in Country A and provided DIBP with a police clearance for these offences. However, the authenticity of the documents has not yet been established and the matter remains ongoing.

Information provided by Mr X

<p>During telephone conversations with Ombudsman staff on 16 October 2015 and 19 October 2015 Mr X expressed concern regarding conclusions reached by the RRT that information he had provided about his protection claims relating to his homosexuality were considered fraudulent. He further advised that the RRT claimed that documentation he had provided regarding his father's death were considered to be false.</p> <p>Mr X said that he was experiencing isolation and verbal abuse related to his religion and his homosexuality. He said that he is unable to participate in activities as other detainees shun him and make him feel uncomfortable, so he stays in his room and avoids the general detainee population. He said that over the past 18 months he had been physically assaulted by other detainees on two occasions and admitted to hospital for treatment. He said that both assaults were related to discrimination.</p> <p>Mr X advised that he is not currently experiencing mental health concerns and is aware of how to access mental health support. He further advised that he would like to be transferred to community detention.</p>
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Case status

<p>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 his appeal with the RRT.</p> <p>DIBP advised that it is assessing whether Mr X meets the guidelines for consideration of a Bridging visa.</p>
