

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 remained in restricted immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1003212
Date of DIBP's report	11 August 2015
Total days in detention	732 (at date of DIBP's report)

Detention history

9 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 825 <i>Ivatee</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
12 August 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
8 April 2014	Transferred to an APOD, Christmas Island.
18 June 2014	Transferred to Wickham Point APOD.
20 June 2014	Transferred to Perth IDC.
29 August 2014	Transferred to Bladin Point APOD.
18 November 2014	Transferred to Wickham Point APOD. ¹
29 October 2015	Granted a Bridging visa and released from detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, 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 the Minister had not lifted the bar under s 46A.	
29 October 2015	Granted a Bridging visa.

Health and welfare

August 2013 – ongoing	International Health and Medical Services (IHMS) advised that Mr X presented with abnormal chest development during his induction health assessment.
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¹ 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 was accommodated in the single adult male compound at Wickham Point APOD.

2014 – ongoing	IHMS advised that he was placed on Psychological Support Program (PSP) observations following situational issues and anger management concerns (dates not provided). No further information was provided.
July 2014	He was referred to an endocrinologist after experiencing ongoing pain related to his abnormal chest development.
2 August 2014	A DIBP Incident Report recorded that Mr X threatened self-harm. No further information was provided.
7 August 2014	Reviewed by a psychiatrist. No further information was provided.
1 November 2014 – 27 January 2015	DIBP Incident Reports recorded that Mr X refused food and fluids as a form of protest on three occasions. No further information was provided.
June 2015	Mr X was referred to a surgeon following his review with an endocrinologist.
July 2015	Mr X attended a mental health assessment with no mental health concerns identified.
3 July 2015 – ongoing	Reviewed by a surgeon who recommended that he undergo a surgical procedure to reduce his ongoing chest pain. IHMS advised that Mr X was placed on a hospital waiting list.

Detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in multiple behavioural incidents including displaying threatening and aggressive behaviour towards other detainees and Serco officers.

Other matters

15 December 2014 – ongoing	Mr X lodged a complaint with the Australian Human Rights Commission (AHRC) alleging that his detention is prolonged and arbitrary. DIBP provided its response on 18 March 2015 and the AHRC requested further information on 31 March 2015. DIBP provided further a response on 22 April 2015.
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Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 29 October 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 9 August 2013 after arriving in Australia and was held in restricted detention for over two years before being granted a Bridging visa. The Ombudsman further notes that, at the time of DIBP's review, processing of Mr X's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X's protection claims commence as soon as possible.