

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).

Name	Mr X
Citizenship	Country A
Year of birth	1970
Ombudsman ID	1003122
Date of DIBP's reports	4 May 2015 and 3 November 2015
Total days in detention	912 (at date of DIBP's latest report)

Detention history

5 May 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 689 <i>Penzance</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
24 May 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
21 July 2013	Transferred to Curtin IDC.
28 August 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point APOD. ¹

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that, prior to ministerial intervention, 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 were subject to the bar under s 46A.	
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
25 September 2015	He was referred on a ministerial intervention submission for consideration to lift the bar under s 46A to allow him to lodge a temporary visa application.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.

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 is accommodated in the single adult male compound at Wickham Point APOD.

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.

3 November 2015	DIBP advised that Mr X's case was being assessed against the guidelines under s 195A for a possible referral to the Minister for consideration of a Bridging visa.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any major physical health issues.	
6 November 2013	Disclosed a history of torture and trauma but declined specialist counselling at that time.
February 2014 and April 2014	Received psychological counselling.
May 2015	During a mental health assessment Mr X reported that he was experiencing frustration related to his prolonged detention but was coping well.
August 2015	IHMS advised that Mr X was experiencing anxiety and situational stress related to his prolonged detention. He was regularly reviewed by the mental health team and advised to self-refer as required.

Other matters

DIBP advised that Mr X is considered a person of interest in relation to his alleged involvement in criminal activities offshore. No further information was provided.
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Case status

Mr X was detained on 5 May 2013 after arriving in aboard SIEV <i>Penzance</i> and has been held in restricted detention for over two and a half years.
On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application. Mr X is awaiting an invitation to apply for a temporary visa.