

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	Stateless (claimed), born in Country A
Year of birth	1987
Ombudsman ID	1003192
Date of DIBP's report	10 August 2015
Total days in detention	733 (at date of DIBP's report)

Detention history

7 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 823 <i>Gadsden</i> . He was transferred to Christmas Island Immigration Detention Centre (IDC).
19 February 2015	Transferred to Wickham Point Alternative Place of Detention (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.	
13 June 2014	Mr X requested voluntary removal from Australia.
3 July 2014	He withdrew his request for voluntary removal.
24 August 2014	Requested voluntary removal from Australia.
1 September 2014	He withdrew his request for voluntary removal.
29 October 2015	Granted a Bridging visa.

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.

Health and welfare

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.	
September 2013 – ongoing	Mr X was reviewed by a psychiatrist after presenting with frustration, insomnia, difficulty eating and anxiety related to his separation from his partner. He was diagnosed with anxiety and prescribed with medication.
15 September 2013 – ongoing	Mr X disclosed a history of torture and trauma and attended specialist counselling. IHMS advised that he received additional mental health support after he reported experiencing flashbacks and nightmares.
16 October 2013	IHMS advised that he self-harmed by cutting himself with broken glass. He was placed on Psychological Support Program observations and was closely monitored by the mental health team (MHT).
29 October 2013	DIBP Incident Reports recorded that he stated that he had self-harmed and threatened further self-harm.
December 2013	Reviewed by a psychiatrist who noted improvements in his mental health.
12 January 2014 – 28 January 2014	DIBP Incident Reports recorded that he refused food and fluid as a form of protest on four occasions. He was provided with mental health support and advised to self-refer to the MHT as required.
13 January 2014	A DIBP Incident Report recorded that he self-harmed by cutting his abdomen, chest and head.
24 January 2014	DIBP Incident Reports recorded that he self-harmed by banging his head against a window.
27 January 2014	A DIBP Incident Report recorded that he self-harmed by sewing his lips together.
30 January 2014	DIBP Incident Reports recorded that he self-harmed by banging his head against window shutters.
22 February 2014	DIBP Incident Reports recorded that he self-harmed by cutting his chest and head with a razor blade.
23 August 2014	A DIBP Incident Report recorded that he self-harmed by sewing his lips together.
15 May 2015	Attended a mental health assessment and reported that his mood was stable and his sleep had improved following his transfer to Wickham Point APOD. He reported that he was managing well and was aware of the self-referral process.
22 July 2015	Attended a mental health assessment with no mental health concerns identified.

Detention incidents

DIBP Incident Reports recorded that Mr X was involved in multiple behavioural incidents while he was detained at Christmas Island IDC, including displaying aggressive, threatening and abusive behaviour towards detention centre staff.	
19 June 2014	DIBP advised that Mr X was allegedly involved in an assault and on 21 June 2014 the matter was referred to the Australian Federal Police (AFP).
28 October 2014	DIBP was advised by the AFP that it was no longer investigating the alleged assault.

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 7 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.