

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

Name	Mr X
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1002866
Date of DIBP's report	28 June 2015
Total days in detention	733 (at date of DIBP's report)

Detention history

25 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 762 <i>Alabaster</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island. Mr X arrived with his wife, Ms Y and their three children. Ms Y and their children were granted Bridging visas on 18 September 2014 and are living in the community.
18 September 2013	Transferred to community detention.
4 February 2014	The former Minister revoked Mr X's community detention placement under s 197AD following criminal charges.
10 February 2014	Transferred to Villawood Immigration Detention Centre (IDC).
14 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.	
14 May 2015	The Minister agreed to consider to intervene under s 195A to grant Mr X a Bridging visa. The Minister indicated that, as conditions of his release, Mr X should attend counselling in relation to his alcohol and violence issues and abstain from alcohol. A second stage submission to the Minister was then prepared.
14 October 2015	Granted a Bridging visa.

Criminal history

6 December 2013	Mr X was arrested and charged with assault and domestic violence offences. An Apprehended Violence Order (AVO) was issued.
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10 December 2013	Convicted of assault and domestic violence offences and issued with a 12-month good behaviour bond.
21 January 2014	Issued with an AVO for 12 months. The AVO stated that Mr X must not be near his wife and children while under the influence of alcohol.

Health and welfare

International Health and Medical Services (IHMS) advised that it provided mental health care to Mr X from when he was initially detained and that external providers continued this care following his transfer to community detention. Ongoing mental health care was provided when he was re-detained.	
27 June 2013	IHMS advised that Mr X was identified to have had a past hepatitis B infection and returned abnormal liver function test results. He attended counselling and was monitored. He was also identified as a tuberculosis contact and was monitored as per state policy.
9 September 2013	Diagnosed with type 2 diabetes and high cholesterol. He was prescribed with medication and it was recommended that he make lifestyle adjustments to manage his condition.
November 2013	Mr X was found to have a nodule on his thyroid gland. No serious concerns were raised and his condition was monitored.
14 March 2014	A liver function test identified improvements.
14 October 2014	Attended an appointment at a hospital diabetes clinic. IHMS advised that his condition was monitored by the general practitioner and nurses through a diabetic care plan.
21 October 2014	A DIBP Incident Report recorded that Mr X made threats of self-harm to his case manager. No further information was provided.
30 October 2014	Attended an appointment with a nutritionist in relation to his diabetes.
19 November 2014	A psychiatrist diagnosed Mr X with an adjustment disorder with anxiety and depression and poor coping skills related to stress. Mr X discussed his history of alcohol abuse and advised he can be violent when drunk. The psychiatrist noted that Mr X demonstrated little insight into his alcohol problem and referred him for counselling and prescribed him with medication. The psychiatrist also recommended Mr X be transferred to community detention to improve his mental state.
9 December 2014 – 22 June 2015	Attended specialist counselling appointments.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 14 October 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 25 June 2013 after arriving in Australia and was held in 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.