

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	1991
Ombudsman ID	1003034
Date of DIBP's reports	31 March 2015 and 23 September 2015
Total days in detention	914 (at date of DIBP's latest report)

Detention history

23 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 618 <i>Studebaker</i> . He was transferred to Northern Immigration Detention Centre (IDC).
10 April 2013	Transferred to Scherger IDC.
2 July 2013	Transferred to Yongah Hill IDC.
21 January 2014	Mr X absconded from Yongah Hill IDC. The Department of Immigration and Border Protection (DIBP) advised that he was located a short time later and re-detained under s 189(1).
25 January 2014	Transferred to North West Point IDC.
19 November 2014	Transferred to Wickham Point Alternative Place of Detention.
4 December 2014	Transferred to North West Point IDC.

Visa applications/case progression

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 protection visa application. DIBP further advised that following legislative amendment Mr X is only eligible for a temporary visa.	
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 On the same day, Mr X signed a request for voluntary removal from Australia.
21 March 2014	Mr X withdrew his request for removal.

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.

30 June 2014	Lodged a Protection visa application.
13 October 2014	Attended an interview in relation to his Protection visa application.
16 December 2014	Protection visa application refused.
24 December 2014	Appealed to the Refugee Review Tribunal (RRT).

Health and welfare

7 March 2014	International Health and Medical Services (IHMS) advised that Mr X presented to a general practitioner (GP) after injuring his ankle while playing sport. An x-ray identified no abnormalities and he was provided with crutches to assist with walking. He was advised to take pain relief medication as required.
14 April 2015	Presented to a GP with intermittent hearing loss in his left ear. He was referred to an audiologist for further investigation. IHMS advised that this appointment remained outstanding at the time of its report.

Case status

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 to the RRT.