

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, born in Country B
Year of birth	1996
Ombudsman ID	1002923
Date of DIBP's report	16 July 2015
Total days in detention	741 (at date of DIBP's report)

Detention history

5 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 773 <i>Lisman</i> with his mother and siblings. He was transferred to Construction Camp Alternative Place of Detention, Christmas Island.
7 September 2013	Transferred to community detention with his family.
19 December 2014	His community detention placement was revoked and he was transferred to Brisbane Immigration Transit Accommodation (ITA). The Department of Immigration and Border Protection (DIBP) advised that Mr X's family remained in community detention until their release on Bridging visas on 2 July 2015. ¹
27 October 2015	Granted a Bridging visa and released from detention.

Visa applications/case progression

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.	
7 September 2013	Mr X and his family were transferred to community detention in Queensland.
19 December 2014	Following Mr X's arrest on 18 December 2014, the former Minister revoked Mr X's community detention placement under s 197AD and he was transferred to Brisbane ITA.
27 October 2015	Granted a Bridging visa.

Criminal history

28 November 2014	Convicted of a stealing offence. No further details provided.
18 December 2014	Arrested by Queensland police for a breach of bail conditions relating to his stealing offence.

¹ Mr X's family are not subject to reporting under s 486O.

Health and welfare

19 August 2013	International Health and Medical Services (IHMS) advised that a Mantoux test for latent tuberculosis returned a positive result. He was referred to an infectious diseases clinic for further evaluation.
3 December 2013	Following a review of his tuberculosis condition he was prescribed with preventative treatment.
March 2014	An IHMS nurse reported that Mr X had allegedly been non-compliant with his tuberculosis treatment and had missed some of his scheduled appointments. He was educated on the importance of his treatment and referred for further blood tests.
11 January 2015 – ongoing	An IHMS psychiatrist advised that Mr X did not suffer from any type of psychiatric illness. He regularly attended scheduled mental health reviews and in April 2015 was prescribed with medication to help with sleeping difficulties.
6 July 2015	IHMS advised that he had completed his tuberculosis treatment (date not provided) but required monitoring by tuberculosis service providers in accordance with state policy.

Detention incidents

7 February 2014	A DIBP Incident Report recorded that Mr X was suspected of absconding from community detention because he was absent from his designated address for four nights without DIBP approval.
2 June 2014 – 5 June 2014	A DIBP Incident Report recorded that Mr X was suspected of absconding from community detention as he was absent from his designated address without DIBP approval.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 27 October 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 5 July 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 his 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.

The Ombudsman also notes IHMS's advice that Mr X was identified as having latent tuberculosis in 2013 and was allegedly non-compliant with his treatment. The Ombudsman notes that while IHMS reported that Mr X completed tuberculosis treatment, it also advised that Mr X required ongoing monitoring by tuberculosis service providers as per state policy.

Now that Mr X has been released from immigration detention on a Bridging visa, the Ombudsman recommends that DIBP make the appropriate enquiries to determine whether Mr X continues to be monitored for tuberculosis symptoms, if this is still required.