

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	1002517
Date of DIBP's reports	1 May 2015 and 3 November 2015
Total days in detention	915 (at date of DIBP's latest report)

Detention history

2 May 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 684 <i>Knutsfield</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
9 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	DIBP notified Mr X of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering his protection claims.
17 April 2015	Found not to meet the guidelines for a referral to the Minister under s 195A for consideration of a Bridging visa.
25 September 2015	Referred for ministerial intervention under s 46A.
29 September 2015	The Minister lifted the bar under s 46A to allow him 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 is a person of interest in relation to his disclosure of criminal matters while offshore.
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Health and welfare

16 May 2013	International Health and Medical Services (IHMS) advised that Mr X has a chronic history of allergic conjunctivitis. It was also noted that he had overgrowths on his eyes. He was prescribed with medication, provided with ocular education and referred to an optometrist.
13 November 2013 – ongoing	Presented to a general practitioner (GP) with chronic pain in his left arm and shoulder following a motor bike accident he had prior to his arrival in Australia. He was prescribed with pain relief medication and attended physiotherapy. The physiotherapist reported that Mr X had a reduced range of movement in his shoulder and received treatment.
7 May 2014	Reviewed by an optometrist and prescribed with glasses.
August 2014	Presented to a GP with ongoing pain and stiffness in his left shoulder. An x-ray identified no abnormalities.
22 November 2014	At review with a psychiatrist Mr X disclosed a history of torture and trauma but declined specialist counselling. He was diagnosed with mild post-traumatic stress disorder and it was reported that he was coping well. IHMS advised that Mr X attended counselling with the mental health team.
February 2015	Presented to a GP with pain and numbness in his left shoulder. He was advised to use pain relief medication and limit exercise.
May 2015 - ongoing	Reviewed by an optometrist and it was recommended he have a visual field test for glaucoma. IHMS advised that Mr X's condition continues to be monitored.

Case status

Mr X was detained on 2 May 2013 after arriving in Australia aboard SIEV *Knutsfield* and has been held in restrictive 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.