

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

Name	Mr X
Citizenship	Country A
Year of birth	1997
Ombudsman ID	1003425
Date of DIBP's report	14 September 2015
Total days in detention	732 (at date of DIBP's report)

Detention history

12 September 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aged 15 with his older brother, Mr Y, aboard Suspected Illegal Entry Vessel (SIEV) 846 <i>Deatsville</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
15 December 2014	Transferred to Bladin APOD.
23 December 2014	Transferred to community detention.
The Department of Immigration and Border Protection (DIBP) advised that Mr X resides with his brother, who was granted a Bridging visa.	

Visa applications/case progression

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.	
20 February 2014	Mr X was assessed to be a ward of the Minister since his brother was under 21 years of age and did not qualify to be his guardian.
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. ¹
30 June 2015	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
29 July 2015	Mr X was notified that he was eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.
31 August 2015	Mr X accepted the PAIS offer and DIBP advised it would assign him with a provider to assist him in making a temporary visa application.

¹ 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.

Health and welfare

15 September 2013 – ongoing	International Health and Medical Services (IHMS) advised that Mr X has a history of a chronic skin condition which is managed by his general practitioner.
26 June 2014	A DIBP Incident Report reported that Mr X threatened self-harm following a routine conversation with a case officer. He later indicated that he was only joking and that he had no intention of harming himself. He was monitored and an appointment was organised to see the mental health team (MHT) the next morning.
26 August 2015	IHMS advised that during this reporting period Mr X had reported symptoms of low mood and situational anger. He was managed and provided with regular support while in restricted detention by the MHT and received support from his GP in community detention.

Other matters

1 July 2015	Mr X received a warning letter from DIBP advising him that he had breached his community detention conditions in relation to multiple absences from school in May and June 2015.
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Case status

Mr X was detained on 12 September 2013 after arriving in Australia with his older brother aboard SIEV *Deatsville* and has been held in detention for over two years.

On 30 June 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.