

## 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 have remained in immigration detention for more than 30 months (two and a half years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1997
<b>Ombudsman ID</b>	1002918
<b>Date of DIBP's reports</b>	10 July 2015 and 6 January 2016
<b>Total days in detention</b>	914 (at date of DIBP's latest report)

### Detention history

6 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel (SIEV) 776 <i>Ohatchee</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
3 August 2013	Transferred to Pontville APOD.
10 September 2013	Transferred to community detention.

### 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.	
13 March 2014	Mr X was notified of the unintentional release of personal information through DIBP's website. <sup>1</sup> DIBP advised that the privacy breach would be taken into account when considering his protection claims.
30 June 2015	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
23 July 2015	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.
5 August 2015	He accepted the PAIS offer and DIBP has assigned him with a PAIS provider to assist him in lodging a temporary visa application.
2 October 2015	Lodged a Safe Haven Enterprise visa (SHEV) application which triggered an associated Bridging visa application.
5 November 2015	Bridging visa application was deemed invalid.

<sup>1</sup> 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 July 2013	International Health and Medical Services (IHMS) reported that during his induction health assessment, Mr X disclosed a history of torture and trauma. He declined counselling and was made aware of the self-referral process.
25 June 2014	Presented to his general practitioner (GP) following symptoms of neurological pain and shingles and was prescribed with pain relief medication.
14 July 2014	Presented to a GP following a history of itchy symptoms. He was prescribed with medication.
28 August 2014	Attended an appointment with his GP following symptoms of insomnia. He was prescribed with sleeping medication and monitored by his GP.
October 2014	Referred to a dermatologist following an ongoing skin rash after having limited success from a prescribed topical cream. IHMS advised that it had no documentation to confirm if Mr X had attended the appointment.

## Case status

Mr X was detained on 6 July 2013 after arriving in Australia as an unaccompanied minor aged 15 aboard *SIEV Ohatchee* and has been held in detention for over two and a half years with no processing of his protection claims.

On 30 June 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa and on 2 October 2015 Mr X lodged a SHEV application