

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	1988
Ombudsman ID	1003132
Date of DIBP's reports	5 May 2015 and 6 November 2015
Total days in detention	912 (at date of DIBP's latest report)

Detention history

8 May 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 681 <i>Harlow</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
9 May 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
3 August 2013	Transferred to Yongah Hill IDC.
11 September 2013	Transferred to Christmas Island IDC.
9 October 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 of the <i>Migration Act 1958</i> .	
13 March 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through the DIBP's website. ²
25 September 2015	Mr X was referred on a ministerial intervention submission for consideration to lift the bar 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.

Criminal matters

5 September 2014	A DIBP Incident Report recorded that Mr X was involved in a physical altercation with detainees of a different ethnicity at Christmas Island IDC. DIBP advised that the Australian Federal Police were notified.
27 November 2014	Mr X was charged for his involvement in a riot and was scheduled to appear before the Perth Magistrates Court on 10 November 2015.

Health and welfare

May 2013 – ongoing	International Health and Medical Services (IHMS) advised that Mr X was diagnosed with hepatitis B during his induction health assessment. He received treatment and continues to be monitored by a general practitioner.
8 August 2014	Mr X was diagnosed with a depressive disorder during a consultation with a psychiatrist. He was prescribed with antidepressant medication and received cognitive behaviour therapy (CBT) from the mental health team (MHT). IHMS advised that Mr X subsequently chose to cease his medication.
December 2014	IHMS advised that improvements were noted in Mr X's mental health and the CBT was ceased. He was advised to self-refer to the MHT as required.
1 December 2014	DIBP Incident Reports recorded that Mr X self-harmed and was restrained by detention centre staff to prevent further injury. No further information was provided.

Detention incidents

1 September 2013	A DIBP Incident Report recorded that Mr X and two other detainees attempted to escape from Yongah Hill IDC. No further information was provided.
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Case status

Mr X was detained on 8 May 2013 after arriving in Australia aboard SIEV 681 *Harlow* and has been held in restricted detention for over two and a half years.

On 25 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.