

# 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1997
<b>Ombudsman ID</b>	1003074
<b>Date of DIBP's report</b>	7 April 2015
<b>Total days in detention</b>	Not provided

## Detention history

31 March 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 16 aboard Suspected Illegal Entry Vessel 634 <i>Isuzu</i> .
22 April 2015	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from community detention.

## Visa applications/case progression

The Department of Immigration and Border Protection (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.	
22 April 2015	Granted a Bridging visa with an associated THS visa.

## Health and welfare

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.	
23 April 2013	He disclosed a history of torture and trauma but declined specialist counselling.
8 August 2013	He presented to a general practitioner with low mood and poor sleep. He was referred to a psychologist and attended one session on 11 September 2013. IHMS advised that he did not attend any further sessions and that there were no further concerns reported.

### **Ombudsman assessment/recommendation**

Mr X was granted a Bridging visa with an associated THS visa on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 31 March 2013 after arriving in Australia as an unaccompanied minor aged 16 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 Mr X's 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.