

**REPORT (ABRIDGED) 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 restricted immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1975
Ombudsman ID	1003008
Date of DIBP's reports	20 March 2015 and 14 September 2015

Detention history

17 March 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 599 <i>Zundapp</i> .
16 December 2015	Granted a Bridging visa and released from restricted detention.

Visa applications/case progression

The Department of Immigration and Border Protection advised that Mr X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC), which found that the International Treaties Obligation Assessment (ITOA) process undertaken by DIBP was procedurally unfair.

The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair.

Health and welfare

Mr X was provided with treatment and counselling for a range of mental health issues including a history of torture and trauma, depression, anxiety and post-traumatic stress disorder.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 16 December 2015 and released from immigration detention.

The Ombudsman notes that Mr X was held in detention for over two and a half years before being granted a Bridging visa. The Ombudsman further notes that, at the time of DIBP's review, processing of his 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.