

**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 a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1003420
Date of DIBP's report	14 September 2015

Detention history

21 February 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 591 <i>Qashqai</i> .
4 April 2013 – 22 October 2013	Transferred to Manus Island Regional Processing Centre (RPC). He was subsequently returned to Australia and re-detained under s 189(1).
15 December 2015	Granted a Bridging visa and released from restricted 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.

DIBP also advised that people transferred to an RPC who were returned to immigration detention in Australia are subject to an additional bar under s 46B.

Health and welfare

Mr X was provided with treatment for a range of physical health issues. He was also provided with treatment and counselling for a range of mental health issues including a history of torture and trauma, anxiety and an adjustment disorder.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 15 December 2015 and released from immigration detention.

The Ombudsman notes that Mr X 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 his claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bars under ss 46A and 46B and processing of Mr X's protection claims commence as soon as possible.