

**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 30 months (two and a half years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1981
<b>Ombudsman ID</b>	1003047
<b>Date of DIBP's report</b>	30 July 2015 <sup>1</sup>

**Detention history**

<p>Mr X first arrived in Australia as a maritime arrival on 12 February 2011 and was detained under s 189 of the <i>Migration Act 1958</i>. He was found to be owed protection on 28 July 2011.</p> <p>On 13 March 2012 Mr X was granted a Bridging visa and released from detention.</p> <p>On 6 September 2012, Mr X voluntarily departed Australia after requesting assistance from the International Organisation for Migration to return to Country B.</p>	
26 July 2013	<p>Detained under s 189(3) after arriving in Australia with his wife, Ms Y, aboard Suspected Illegal Entry Vessel 812 <i>Pyriton</i>.</p> <p>Ms Y was granted a Bridging visa on 22 April 2015.</p>
26 November 2015	<p>Mr X was granted a Bridging visa and released from restricted detention.</p>

**Visa applications/case progression**

<p>The Department of Immigration and Border Protection 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 were subject to the bar under s 46A.</p>
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**Health and welfare**

<p>Mr X was provided with treatment for non-epileptic seizures and associated mental health issues including self-harm attempts.</p>
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<sup>1</sup> In response to an inquiry from the Ombudsman's office about an apparent breach of reporting timeframes DIBP advised that it did not meet its statutory obligations in relation to providing Mr X's 24-month review under s 486N. It further advised that this was due to a system-related error which precluded normal reporting procedures from being followed, and that it is working with DIBP's information technology systems to correct this issue.

### **Ombudsman assessment/recommendation**

Mr X was granted a Bridging visa on 26 November 2015 and released from immigration detention.

The Ombudsman notes that s 486N(1)(b) records the Secretary of DIBP's obligation to report to the Commonwealth Ombudsman within 21 days after the detention reporting time.

In the case of DIBP's 24-month review on Mr X, the Ombudsman notes that DIBP advised that it did not meet its statutory reporting timeframes due to a system-related error which precluded normal reporting procedures from being followed.

The Ombudsman further notes that DIBP advised that it is working with DIBP's information technology systems to correct this issue.

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.