

**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 24 months (two years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1983
<b>Ombudsman ID</b>	1003291
<b>Date of DIBP's report</b>	18 August 2015

**Detention history**

18 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 834 <i>Reform</i> .
9 October 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.

**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, an adjustment disorder and suicidal ideation.

DIBP advised that Mr X attempted suicide on two occasions.

**Other matters**

6 August 2014	A DIBP Incident Report recorded that Mr X was the victim of an alleged sexual assault by a Serco Officer at Perth Immigration Detention Centre (IDC). Mr X had been transferred from Christmas Island IDC to Perth IDC for medical treatment.  DIBP advised that he was provided with psychological support and counselling but declined police involvement.
12 August 2014	Mr X lodged a complaint with the Ombudsman's Office about the alleged sexual assault.  The matter was investigated and a spokesperson for the Minister confirmed that the Serco Officer had been stood down shortly after the reported complaint and the matter had been referred to the Australian Federal Police (AFP). The Ombudsman's office investigation was finalised in November 2014.

12 January 2015	The AFP advised that the alleged sexual assault would not be further investigated and the matter was closed.
-----------------	--

**Ombudsman assessment/recommendation**

Mr X was granted a Bridging visa on 9 October 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 bar under s 46A and processing of Mr X’s protection claims commence as soon as possible.