

**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 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>	1991
<b>Ombudsman ID</b>	1002316-O
<b>Date of DIBP's reports</b>	16 February 2016 and 16 August 2016
<b>Total days in detention</b>	1094 (at date of DIBP's latest report)

**Detention history**

13 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 653 <i>Bagshot</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
14 April 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
13 May 2013	Transferred to Curtin IDC.
28 May 2013	Granted a Bridging visa and released from detention.
2 April 2014	Re-detained under s 189(1) and transferred to Facility C.
16 December 2014	Transferred to Facility D.
1 October 2015	Transferred to Facility E.
19 October 2016	Granted a Bridging visa and released from detention.

**Visa applications/case progression**

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, 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.	
28 May 2013	Granted a Bridging visa and released from detention. The Bridging visa ceased on 28 November 2013, after which Mr X lived unlawfully in the community.
2 April 2014	Re-detained following criminal charges.
25 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
1 September 2015	DIBP invited Mr X to lodge a temporary visa application.
23 September 2015	Lodged a Temporary Protection visa (TPV) application
12 October 2015	DIBP requested that Mr X provide an updated TPV application that included his signature.

21 October 2015	Mr X provide an updated application.
18 February 2016	DIBP notified Mr X that although he had already submitted a temporary visa application, he had been assessed as eligible to receive the Primary Application Information Service to assist him in lodging an application. DIBP further advised that if he chose not to accept the offer of PAIS assistance, assessment of his existing application would recommence. He accepted the offer on 30 March 2016.
15 April 2016	The Minister declined to intervene under s 195A.
21 June 2016	Withdrew TPV application and lodged a Safe Haven Enterprise visa (SHEV) application.
24 June 2016	DIBP interviewed Mr X in relation to the SHEV application.
19 October 2016	Granted a Bridging visa.

#### Other legal matters

8 December 2013	Police issued Mr X with infringement notices for exceeding the speed limit and driving without a valid licence. On 13 July 2015 a Magistrates Court dismissed both matters.
31 March 2014	Mr X was arrested and charged with aggravated burglary with an offensive weapon, criminal damage, intentionally causing injury and unlawful assault.
5 September 2015	Found guilty of unlawful assault. A good behaviour bond was imposed without a conviction being recorded.

#### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment and counselling for insomnia, depression and anxiety. At a mental health review on 11 January 2016 he did not present with any significant concerns and IHMS stated there was no clinical need for formal mental health follow up.

IHMS further advised that Mr X received treatment for physical health concerns including complications from an infected wound, non-cardiac chest pain, and a groin cyst.

#### Detention incidents

March 2014 – August 2015	DIBP Incident Reports recorded that Mr X was allegedly involved in multiple behavioural incidents of a minor nature.
29 March 2014	A DIBP Incident Report recorded that Mr X was allegedly involved in an altercation involving many detainees which was classified as a major disturbance.

**Case status**

Mr X was detained on 13 April 2013 after arriving in Australia aboard SIEV *Bagshot* and was held in detention for over two and a half years.

On 25 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 21 June 2016 he withdrew his TPV application and lodged a SHEV application.

Mr X was granted a Bridging visa on 19 October 2016 and released from immigration detention.