

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 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1003494
Date of DIBP's report	8 October 2015
Total days in detention	730 (at date of DIBP's report)

Detention history

8 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 526 <i>Escort</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
10 November 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
18 January 2013	Transferred to Wickham Point IDC.
6 February 2013	Transferred to Yongah Hill IDC.
16 May 2013	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from detention.
15 April 2014	Re-detained under s 189(1) following criminal charges. He was transferred to Adelaide Immigration Transit Accommodation.
20 March 2015	Transferred to Yongah Hill IDC.
31 July 2015	Transferred to Wickham Point APOD.
20 January 2016	Granted a Bridging visa and released from detention.

Recent 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.	
11 May 2013	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa with an associated a THS visa.
14 May 2013	Granted a Bridging visa with an associated THS visa.
16 November 2013	Mr X's Bridging visa ceased and he remained in the community as an unlawful non-citizen.
13 April 2014	Mr X was located by police and charged with a driving offence.

4 July 2014	The former Minister lifted the bar under ss 91K and 46A to allow Mr X to lodge a Bridging visa application.
2 July 2015	Referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa.
13 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
28 August 2015	DIBP invited Mr X to lodge a Temporary Protection visa (TPV) application.
29 September 2015	Mr X requested an extension of time to lodge his application.
20 January 2016	Granted a Bridging visa.

Criminal history

13 April 2014	Mr X was arrested and charged with dangerous driving causing serious harm.
22 December 2014	Mr X was found guilty of dangerous driving causing serious harm. His licence was disqualified for six months and he received a nine-month suspended sentence and a good behaviour bond of \$300.

Health and welfare

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.	
18 January 2013	IHMS advised that Mr X disclosed a history of torture and trauma and accepted a referral for specialist counselling.
14 April 2014	Mr X informed IHMS that he had flashbacks and difficulty sleeping following his car accident. He accepted mental health support.
15 September 2015	Mr X was noted to display symptoms of post-traumatic stress disorder. IHMS advised that he had declined specialist counselling.

Case status

<p>Mr X was granted a Bridging visa on 20 January 2016 and released from immigration detention.</p> <p>Mr X was detained on 8 November 2012 after arriving in Australia aboard SIEV <i>Escort</i> and was held in restricted detention for a cumulative period of over two years before being granted a Bridging visa.</p> <p>On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 28 August 2015 DIBP invited him to apply for a TPV.</p>
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