

**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>	1986
<b>Ombudsman ID</b>	1003382
<b>Date of DIBP's reports</b>	31 August 2015 and 24 February 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

24 March 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 612 <i>Mainline</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
25 March 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
28 March 2013	Transferred to an APOD, Christmas Island.
8 April 2013	Transferred to Christmas Island IDC.
12 April 2013	Transferred to Wickham Point IDC.
16 May 2013	Granted a Bridging visa with an associated Temporary Safe Haven (TSH) visa and released from detention.
18 October 2013	Re-detained under s 189(1) following the cancellation of his Bridging visa because he was subject to criminal charges. He was transferred to Villawood IDC.
8 April 2014	Transferred to Wickham Point IDC.
9 January 2015	Transferred to Wickham Point APOD.
21 April 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.	
9 May 2013	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa.
13 May 2013	The former Minister agreed to intervene under s 195A.
16 May 2013	Granted a Bridging visa with an associated TSH visa.
18 October 2013	Bridging visa was cancelled under s 116(1)(g).

12 March 2014	DIBP notified Mr X of the unintentional release of personal information <sup>1</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
4 November 2015	DIBP invited Mr X to lodge a temporary visa application.
3 December 2015	Mr X requested an extension of time to lodge his application, however this was declined as he was still within the 60-day application timeframe.
8 February 2016	Mr X's case was referred on a first stage submission for consideration under s 195A.
22 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application.
24 February 2016	DIBP advised that Mr X was previously identified as a person of interest following criminal charges.
21 April 2016	Granted a Bridging visa.

### **Criminal history**

18 October 2013	Mr X was arrested by the New South Wales Police and charged with shoplifting, resisting an officer in execution of duty and escaping police custody.
4 March 2014	He was convicted and sentenced to a 12-month and two 24-month good behaviour bonds.

### **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.	
10 April 2013	Disclosed a history of torture and trauma but declined specialist counselling.
October 2013	Attended a mental health assessment following his re-detention. No concerns were identified.
19 April 2014 and 30 October 2014	DIBP Incident Reports recorded that Mr X refused food and fluid as a form of protest.
September 2014	Presented with symptoms of insomnia during a mental health assessment and was prescribed with medication. No further concerns were reported.
20 March 2015	Diagnosed with an adjustment disorder and prescribed with antidepressant medication.

<sup>1</sup> In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

July 2015	Presented with frustration and situational stress related to his ongoing detention. He was advised to self-refer as needed.
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**Other matters**

11 June 2014	Mr X lodged a complaint with the Ombudsman's office in relation to Serco conduct. The complaint was investigated and closed on 30 October 2014.
14 November 2014	Mr X lodged a complaint with the Australian Human Rights Commission (AHRC) alleging that he had been assaulted and injured by a Serco officer. On 1 April 2015 AHRC advised DIBP that no further investigation was warranted and the case was closed.

**Case status**

<p>Mr X was granted a Bridging visa on 26 April 2016 and released from immigration detention.</p> <p>Mr X was detained on 24 March 2013 after arriving in Australia aboard SIEV <i>Mainline</i> and was held in restricted detention for a cumulative period of more than two and a half years before being granted a Bridging visa.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 22 February 2016 Mr X was notified that he is eligible to receive PAIS assistance to assist him with lodging a temporary visa application.</p>
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