

**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 and his wife who remained in restricted immigration detention for more than 30 months (two and a half years).

<b>Name</b>	Mr X (and wife)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1971
<b>Ombudsman ID</b>	1002371
<b>Date of DIBP's reports</b>	31 March 2015 and 22 September 2015

**Detention history**

24 March 2013	Mr X and Ms Y were detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 623 <i>Xsara</i> .
29 October 2015	Granted Bridging visas 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 and his wife were 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 and Ms Y was provided with treatment and counselling for a range of physical and mental health issues including a history of torture and trauma, anxiety, an adjustment disorder and depression. DIBP advised that Mr X had a history of self-harm.

**Ombudsman assessment/recommendation**

Mr X and his wife were granted Bridging visas on 29 October 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his wife were held in detention for over two years before being granted Bridging visas. The Ombudsman further notes that, at the time of DIBP's review, processing of their claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of the family's protection claims commence as soon as possible.