

**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 has 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>	1974
<b>Ombudsman ID</b>	1002326-O
<b>Date of DIBP's reports</b>	25 February 2016 and 25 August 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

25 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 673 <i>Yeovil</i> . He was transferred to an Alternative Place of Detention, Christmas Island.
29 April 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
1 July 2013	Transferred to Curtin IDC.
21 August 2013	Granted Bridging visa and released from detention.
23 June 2014	Re-detained under s 189(1) and transferred to Villawood IDC.
9 December 2015	Transferred to Yongah Hill IDC.

**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.	
19 August 2013	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa.
21 August 2013	Granted a Bridging visa valid until 21 August 2014.
23 June 2014	Bridging visa was cancelled under s 116 following his arrest for criminal conduct.
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.
12 October 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
4 January 2016 and 6 May 2016	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa. On 19 January 2016 and 30 June 2016 the Minister declined to consider Mr X's case.

13 July 2016	SHEV application refused. On the following day Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
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### **Criminal history**

June 2014	Mr X was arrested and charged with assault with an act of indecency. In December 2014 he was convicted and sentenced to an 18 month good behaviour bond.
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### **Health and welfare**

International Health and Medical Services advised that Mr X engages with the mental health team as required for the management of depression.
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### **Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review Mr X was awaiting the outcome of IAA review.
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