

## 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 immigration detention for more than 24 months (two years).

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|--------------------------------|---------------|
| <b>Name</b>                    | Mr X          |
| <b>Citizenship</b>             | Country A     |
| <b>Year of birth</b>           | 1997          |
| <b>Ombudsman ID</b>            | 1002935       |
| <b>Date of DIBP's report</b>   | 20 April 2015 |
| <b>Total days in detention</b> | Not provided  |

### Detention history

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|---------------|--|
| 9 April 2013  | Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 16 aboard Suspected Illegal Entry Vessel 649 <i>Xterra</i> . |
| 22 April 2015 | Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from community detention.   |

### Visa applications/case progression

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| The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, 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 the Minister had not lifted the bar under s 46A. |  |
| 22 April 2015   | Granted a Bridging visa with an associated THS visa. |

### Health and welfare

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| International Health and Medical Services provided details of Mr X's health and welfare. No significant ongoing mental health concerns were noted. |   |
| 1 November 2013  | Mr X was identified as a tuberculosis contact. Prior to his release from detention, he continued to be monitored as per state policy. |

### Ombudsman assessment/recommendation

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| <p>Mr X was granted a Bridging visa with an associated THS visa on 22 April 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X was detained on 9 April 2013 after arriving in Australia as an unaccompanied minor aged 16, and was held in detention for over two years before being granted a Bridging visa. The Ombudsman further notes that, at the time of DIBP's review, processing of his claims for protection had not commenced.</p> <p>The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X's protection claims commence as soon as possible.</p> |  |
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