

**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>	1966
<b>Ombudsman ID</b>	1002269-O
<b>Date of DIBP's reports</b>	19 December 2015 and 18 June 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

13 December 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 561 <i>Nacke</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
17 December 2012	Transferred to Christmas Island Immigration Detention Centre (IDC).
13 January 2013	Transferred to Wickham Point IDC.
13 February 2013	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa valid until 13 August 2013 and released from detention.
18 February 2014	Re-detained under s 189(1) and transferred to Maribyrnong IDC.
20 October 2014	Transferred to Wickham Point IDC.
9 January 2015	Transferred to Wickham Point APOD.

**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.	
12 February 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 THS visa.
13 February 2013	The former Minister agreed to intervene under s 195A and Mr X was granted a Bridging visa with an associated THS visa.
13 August 2013	Bridging visa ceased and DIBP advised that Mr X became an unlawful non-citizen.
18 February 2014	He was re-detained under s 189(1) following DIBP receiving a report from Victoria Police that he was a person of interest.
25 February 2014	DIBP was notified that the Australian Security Intelligence Organisation (ASIO) had issued Mr X with a qualified security assessment.

16 September 2014	ASIO issued Mr X with a non-prejudicial security assessment, superseding his qualified security assessment.
12 November 2014	Mr X's case was referred on a first stage submission for consideration under s 195A.
19 November 2014	The former Minister declined to consider the submission under s 195A.
29 April 2015	DIBP advised that Mr X's case was identified for assessment against the guidelines under s 195A.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa.
6 November 2015	DIBP invited Mr X to lodge a temporary visa application.
15 December 2015	Found to meet the guidelines for referral to the Minister under s 195A. DIBP advised that his case was included on a submission on 22 March 2016 and on 3 April 2016 the Minister declined to intervene.
19 December 2015	DIBP advised that Mr X was previously a person of interest following his alleged involvement in criminal activity in Australia and overseas.
22 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 29 February 2016.
22 April 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.

### Criminal history

12 May 2014	Mr X was charged with indecent assault.
16 September 2014	He was convicted and received a suspended sentence.

### Health and welfare

<p>International Health and Medical Services (IHMS) reported that Mr X was treated for a range of ongoing physical health issues which require monitoring and specialist review. IHMS advised he is on waiting lists to see specialists and requires ongoing management by the general practitioner (GP).</p> <p>Mr X also received treatment for mental health issues including post-traumatic stress disorder and depression. He attended specialist counselling to address a history of torture and trauma. IHMS advised that Mr X was not in regular contact with the mental health team but he has been encouraged to self-refer as required.</p> <p>In its report dated 13 May 2016, IHMS reported that Mr X remains on specialist waiting lists. His physical health issues were monitored and treated by a GP as required and a recent mental health assessment had noted that he was self-managing stress.</p>	
December 2012 – December 2014	He was identified as a tuberculosis contact and required monitoring as per state policy.

### Case status

<p>Mr X was detained on 13 December 2012 after arriving in Australia aboard SIEV <i>Nacke</i> and has been held in restricted detention for a cumulative period of over two and a half years.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 22 April 2016 Mr X lodged an application for a SHEV.</p>	
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