

**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).

Name	Mr X
Citizenship	Stateless (claimed), born in Country A
Year of birth	1987
Ombudsman ID	1002305-O
Date of DIBP's reports	3 February 2016 and 3 August 2016
Total days in detention	910 (at date of DIBP's latest report)

Detention history

5 October 2010	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 191 <i>Otago</i> . He was transferred to Facility B.
12 April 2012	Granted a Bridging visa with associated Temporary Humanitarian Stay (THS) visa and released from detention.
14 August 2015	Bridging visa cancelled following criminal charges. Re-detained under s 189(1) and transferred to Facility C.
22 October 2015	Transferred to Facility B.
7 May 2016	Transferred to Facility C.
13 June 2016	Transferred to Facility D.
10 October 2016	Granted a Temporary Protection visa (TPV) and released from detention.

Visa applications/case progression

13 April 2011	Refugee Status Assessment found he was not owed protection.
4 January 2012	Independent Merits Review (IMR) found he was not owed protection.
12 April 2012	Granted Bridging visa with associated THS visa and released from detention.
31 May 2012	Requested judicial review of the IMR recommendation by the Federal Magistrates Court (FMC).
16 July 2012 – 17 January 2013	Granted two further Bridging visas with the second one ceasing on 17 July 2013 when Mr X became an unlawful non-citizen.

12 November 2012	The FMC proceedings were settled with the court declaring that the IMR recommendation was affected by legal error. Mr X's case was referred for reassessment through the Protection Obligations Evaluation (POE) process.
23 July 2013	POE found Mr X to be owed protection under the Refugee Convention.
9 June 2015	Granted further Bridging visa.
14 August 2015	Mr X's Bridging visa was cancelled after he was charged with criminal offences.
25 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
27 August 2015	The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a temporary visa application.
24 September 2015	Lodged Temporary Protection visa (TPV) application.
3 August 2016	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A for the grant of a Bridging visa.
10 October 2016	Granted a TPV.

Other legal matters

11 August 2015	Arrested and charged with assault and other offences.
26 May 2016	All charges were dismissed.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received ongoing treatment for a spinal injury he sustained while in the community. He attended a teleconsultation with a pain specialist on 3 January 2016 and has been seeing a physiotherapist.

IHMS advised that at the date of its latest report he was waiting for an appointment with a neurosurgeon.

A DIBP incident report recorded that on 20 June 2016 Mr X made threats of self-harm to a case manager.

Detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in several behavioural incidents of a minor nature and one incident of alleged minor property damage following his re-detention on 14 August 2015.

Case status

Mr X was granted a TPV on 10 October 2016 and released from immigration detention.