

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1995
Ombudsman ID	2000013-O
Date of department's report	5 June 2017
Total days in detention	730 (at date of department's report)

Detention history

17 March 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor by sea. He was transferred to an Alternative Place of Detention, Christmas Island.
24 June 2013	Transferred to Pontville APOD.
29 August 2013	Placed in the community. ¹
10 December 2013	Absconded from immigration detention.
29 February 2016	Re-detained under s 189(1) after being located by police. He was transferred to Facility B.
7 December 2016	Transferred to Facility C.
22 November 2017	Granted a bridging visa and released from immigration detention.

Visa applications/case progression

The Department of Home Affairs (the department) advised that prior to ministerial intervention, Mr X was part of a cohort who have not had their protection claims assessed as they arrived in Australia after 13 August 2012 and the Minister has not lifted the bar under s 46A.	
4 August 2016	The Minister declined to intervene under s 46A to allow Mr X to lodge a partner visa application.
11 October 2016	Lodged a Temporary Protection visa (TPV) application.
8 December 2016	TPV application found to be invalid as Mr X was subject to the bar under s 46A.
10 February 2017	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
25 August 2017	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
22 November 2017	Granted a bridging visa.

¹ Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X presented to a hospital emergency department in November 2013 with chest pain and breathing difficulties. IHMS reported that no medical cause was identified, however Mr X's symptoms were consistent with a panic attack and he was referred for specialist counselling.

IHMS further advised that Mr X received treatment for a skin infection.

Other matters

17 February 2017	The department was notified that Mr X lodged a complaint with the Australian Human Rights Commission. The matter remained ongoing at the time of the department's report.
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Mr X's partner and daughter, who is an Australian citizen, reside in State D.

Case status

Mr X was detained on 17 March 2013 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than two years.

Mr X was granted a bridging visa on 22 November 2017 and released from immigration detention.