

**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 more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1003310
Date of DIBP's report	19 August 2015
Total days in detention	730 (at date of DIBP's report)

Detention history

19 August 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 836 <i>Trinity</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
21 August 2013	Transferred to Christmas Island Immigration Detention Centre.
5 March 2015	Transferred to Wickham Point APOD.
9 October 2015	Granted a Bridging visa and released from detention.

Visa applications/case progression

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.	
12 August 2015	Mr X's case was referred on a ministerial submission under s 195A for consideration of a Bridging visa.
9 October 2015	Granted a Bridging visa.

Health and welfare

19 August 2013 – 7 August 2015	International Health and Medical Services (IHMS) advised that Mr X was treated for ongoing ear issues and attended regular mental health reviews and group therapy to manage his ongoing frustration related to prolonged detention.
12 November 2013	IHMS reported that Mr X was identified as a tuberculosis contact and required monitoring as per state policy.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 9 October 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 19 August 2013 after arriving in Australia aboard SIEV *Trinity* and was held in restricted 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 Mr X's claims for protection had not commenced.

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.