

**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).

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1002235-O
Date of DIBP's reports	21 November 2015 and 21 May 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

7 June 2011	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 252 <i>Serena</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
30 July 2011	Transferred to Curtin Immigration Detention Centre (IDC).
13 March 2012	Granted a Bridging visa and released from detention.
28 August 2014	Re-detained under s 189(1) after living unlawfully in the community. He was transferred to Maribyrnong IDC.
3 September 2014	Transferred to Wickham Point IDC.
9 January 2015	Transferred to Wickham Point APOD.

Visa applications/case progression

11 September 2011	The Department of Immigration and Citizenship (DIAC) notified Mr X that his protection claims were being assessed as part of a Protection Obligations Evaluation (POE).
26 October 2011	POE found that he was not owed protection.
11 November 2011	DIAC issued Mr X with a letter notifying him of the commencement of an Independent Protection Assessment (IPA) to assess whether the circumstances of his case engage Australia's protection obligations under the Refugee Convention and complementary protection criterion.
12 March 2012	Referred on a ministerial submission for consideration under s 195A for the possible grant of a Bridging visa with an associated Temporary Safe Haven (TSH) visa.
13 March 2012	The former Minister intervened under s 195A to grant Mr X a Bridging visa with an associated TSH visa. He was released from detention the same day.
11 September 2012	Referred on a ministerial submission for consideration under s 195A for the grant of a further Bridging visa.

13 September 2012	Bridging visa ceased.
14 September 2012	The former Minister intervened under s 195A to grant Mr X a further Bridging visa.
31 October 2012	IPA found that Mr X's case did not engage Australia's protection obligations under the Refugee Convention.
27 February 2013	Requested judicial review by the Federal Magistrates Court (FMC).
14 March 2013	Bridging visa ceased and he became an unlawful non-citizen.
20 March 2013	The former Minister intervened under s 195A and Mr X was granted a third Bridging visa.
20 September 2013	Bridging visa ceased and he became an unlawful non-citizen.
14 October 2013	FMC dismissed judicial review of the IPA.
15 November 2013	Requested ministerial intervention under s 46A.
5 June 2014	Found not to meet the guidelines for referral to the former Minister under s 46A.
16 July 2014	The former Minister intervened under s 195A to grant Mr X a Return Pending Bridging visa.
8 August 2014	Mr X was provided with information from the International Organization for Migration about assistance that would be available if he returned voluntarily to Country A.
27 August 2014	Return Pending Bridging visa ceased and he became an unlawful non-citizen. He was re-detained the following day.
21 November 2015	The Department of Immigration and Border Protection (DIBP) advised that Mr X's identity remained indeterminate and he was previously a person of interest in relation to his alleged involvement in criminal matters in Australia.
13 April 2016	The Minister lifted the bar under s 48B to allow Mr X to lodge a temporary visa application.
22 April 2016	DIBP invited Mr X to lodge a temporary visa application.

Health and welfare

22 January 2012 – 13 March 2012	International Health and Medical Services advised that Mr X disclosed a history of torture and trauma. He received support from the mental health team for anxiety symptoms and insomnia.
11 January 2016	Referred for a gastroenterology review. He continues to be monitored by a general practitioner and prescribed with medication as required.

Detention incidents

9 October 2014	A DIBP Incident Report recorded that Mr X allegedly threatened to harm himself and a Serco officer and the incident was referred to the Northern Territory (NT) Police. On 19 March 2015 the NT Police advised that no further investigation was required and the matter was closed.
----------------	--

29 July 2015	A DIBP Incident Report recorded that Mr X was allegedly involved in a physical altercation with a detainee. The incident was referred to the NT Police. On 2 August 2015 DIBP was notified that no further investigation was required and the matter was closed.
--------------	--

Case status

Mr X was detained on 7 June 2011 after arriving in Australia aboard SIEV *Serena* and has been held in restricted detention for a cumulative period of more than two and a half years.

On 13 April 2016 the Minister lifted the bar under s 48B to allow Mr X to apply for a temporary visa and on 22 April 2016 DIBP invited Mr X to apply.