

**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 24 months (two years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1984
<b>Ombudsman ID</b>	1002356-O
<b>Date of DIBP's report</b>	30 March 2016
<b>Total days in detention</b>	730 (at date of DIBP's report)

**Detention history**

28 March 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 630 <i>Explorer</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
29 March 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
26 April 2013	Transferred to Wickham Point IDC.
13 June 2013	Granted Bridging visa and released from detention.
8 February 2014	Re-detained under s 189(1) and transferred to Facility B.
9 February 2014	Transferred to Facility C.
11 July 2014	Transferred to Facility D.
25 May 2015	Transferred to a prison in Location E.
29 September 2015	Transferred to Facility D.
9 May 2016	Released from immigration detention and taken into criminal custody.

**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 of the <i>Migration Act 1958</i> .	
11 June 2013	The former Minister agreed to intervene under s 195A and grant Mr X a Bridging visa.
13 June 2013	Granted Bridging visa and released from detention.
13 December 2013	Mr X's Bridging visa expired and he became an unlawful non-citizen.

8 February 2014	Arrested and charged in relation to an alleged assault on 7 February 2014. Detained under s 189(1).
17 December 2014	Requested voluntary removal from Australia to Country A.
22 December 2014	Withdrew request for removal.
29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
10 November 2015	DIBP invited Mr X to lodge a temporary visa application.
22 February 2016	DIBP notified Mr X that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 29 February 2016.
30 March 2016	DIBP advised it was yet to assign a PAIS provider to Mr X.

### **Criminal history**

8 February 2014	Arrested and charged with six offences in relation to an assault which allegedly occurred in Location F on 7 February 2014.
20 March 2014	Court in Location G issued an intervention order prohibiting Mr X from interacting with the victim of the alleged assault for 12 months.
2 July 2014	Mr X appeared in court in Location G in relation to the assault charges. Three of the charges were withdrawn. The court issued an adjournment of undertakings in relation to the other three charges and ordered Mr X to be of good behaviour for 12 months with no conviction recorded.
24 December 2014	Charged in relation to an incident which occurred at Facility D on 14 September 2014.
9 April 2015	Mr X was convicted in the Court in Location H on a charge of assault involving making a threat with a weapon. A 12-month good behaviour bond was imposed.
25 May 2015	Mr X was involved in an incident at Facility D in which another detainee was assaulted. On the same day he was taken into custody by police.
21 October 2015	Found guilty of one count of aggravated assault and sentenced to three months imprisonment, backdated from 25 May 2015.

### **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X disclosed that he experienced torture and trauma in prison before he came to Australia. He accepted a referral for specialist counselling and also attended a psychology session with IHMS in May 2013.

During a routine mental health assessment Mr X advised an IHMS psychiatrist of a history of anxiety and depression but did not require intervention.

### **Detention incidents**

DIBP Incident Reports recorded that in addition to the incidents for which Mr X faced charges, he was allegedly involved in several other behavioural incidents of a minor nature.

### **Case status**

Mr X was detained on 28 March 2013 after arriving in Australia aboard SIEV *Explorer* and was held in detention for over two years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. On 29 February 2016 Mr X accepted the PAIS.

On 9 May 2016 Mr X was released from detention and placed in criminal custody pursuant to a court order.