

**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>	1982
<b>Ombudsman ID</b>	1002282-O
<b>Date of DIBP's report</b>	8 January 2016
<b>Total days in detention</b>	730 (at date of DIBP's report)

**Detention history**

6 February 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 586 <i>Mazarati</i> . He was transferred to Phosphate Hill Alternative Place of Detention, Christmas Island.
8 February 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
18 April 2013	Transferred to Wickham Point IDC.
6 May 2013	Transferred to Curtin IDC.
27 May 2013	Granted a Bridging visa and released from detention.
29 April 2014	Re-detained under s 189(1) following assault charges. He was transferred to Villawood IDC.
24 December 2014	Transferred to Yongah Hill IDC.
10 September 2015	Transferred to Christmas Island IDC.
25 May 2016	Granted a Bridging visa and released from detention.

**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.	
22 May 2013	Mr X's case was referred on a ministerial submission for consideration under s 195A for a possible a Bridging visa.
27 May 2013	The former Minister intervened under s 195A and Mr X was granted a Bridging visa valid until 28 November 2013.
29 November 2013	DIBP advised that Mr X became an unlawful non-citizen until he was re-detained on 29 April 2014.
23 September 2014 and 13 August 2015	Mr X's case was referred on first stage submissions for consideration under s 195A. The former Minister declined to intervene on both referrals.

25 June 2015	DIBP advised that Mr X ceased being a person of interest.
25 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
8 September 2015	DIBP invited Mr X to apply for a temporary visa.
18 November 2015	Lodged a Temporary Protection visa (TPV) application.
25 May 2016	Granted a Bridging visa.

#### Other legal matters

29 April 2014	Mr X was located by New South Wales Police and charged with several offences following a dispute with his roommate. He received an Apprehended Violence Order and was released on bail. He was re-detained under s 189(1) the same day.
10 July 2014	He appeared before the T Local Court and was placed on a 12-month good behaviour bond with no conviction recorded.

#### Health and welfare

International Health and Medical Services advised that Mr X did not present with any significant ongoing physical or mental health concerns.
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#### Detention incidents

23 January 2015	A DIBP Incident Report recorded that Mr X allegedly assaulted a detainee. The matter was referred to the Australian Federal Police (AFP). DIBP advised that on 9 February 2015 the AFP finalised its investigation without further action.
11 March 2015	A DIBP Incident Report recorded that Mr X allegedly assaulted a Serco officer. DIBP advised the matter was referred to the AFP and on 4 June 2015 the AFP advised it had closed its investigation without further action.

#### Case status

<p>Mr X was granted a Bridging visa on 25 May 2015 and released from immigration detention.</p> <p>Mr X was detained on 6 February 2013 after arriving in Australia aboard SIEV <i>Mazarati</i> and was held in restricted detention for over two years before being granted a Bridging visa.</p> <p>On 25 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 18 November 2015 Mr X lodged a TPV application.</p>
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