

**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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1994
<b>Ombudsman ID</b>	1002348-O
<b>Date of DIBP's reports</b>	23 March 2016 and 21 September 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

16 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 792 <i>Lavaca</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
25 July 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
11 August 2013	Transferred to Pontville APOD.
20 August 2013	Transferred to Melbourne Immigration Transit Accommodation.
5 September 2013	Granted a Bridging visa and released from detention.
10 January 2014	Transferred to a correctional facility following criminal charges.
14 May 2014	Released from criminal custody and re-detained under s 189(1). He was transferred to Villawood IDC.
5 July 2016	Transferred to Christmas Island IDC.
26 August 2016	Transferred to Maribyrnong IDC.
27 August 2016	Transferred to Villawood IDC.

**Visa applications/case progression**

The Department of Immigration and Border Protection (the department) 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.	
23 August 2013	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa.
2 September 2013	The Minister intervened under s 195A to grant Mr X a Bridging visa.
10 January 2014	Bridging visa was cancelled following criminal charges.

29 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
28 January 2016	Lodged a Temporary Protection visa (TPV) application.
6 September 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a new temporary visa application or providing supporting information for his existing application. He declined the offer on 8 September 2016.
21 September 2016	The department advised that Mr X has expressed a desire to return to Country A. He has been advised that to initiate a removal request his outstanding legal matters must be finalised.

#### Other legal matters

10 January 2014	Mr X was remanded in custody and charged with a sexual assault offence. On 14 May 2014 he was granted bail and was released from criminal custody.  The next court hearing is listed at a District Court to commence on 13 October 2016.
31 July 2014	A Criminal Justice Stay Certificate was issued preventing Mr X's removal from Australia until his criminal matters are resolved.

#### Health and welfare

International Health and Medical Services advised that Mr X attends regular counselling sessions for the management of an adjustment disorder, anxiety and a history of torture and trauma. Mr X has been placed on Supportive Monitoring and Engagement observations on multiple occasions and monitored by the mental health team following incidents of self-harm. Upon his most recent psychologist consultation on 9 August 2016 Mr X was assessed to be at low risk of harm to himself or others, despite continuing to present with low mood and situational anxiety associated with long term detention.	
11 February 2015	An Incident Report recorded that Mr X threatened self-harm.
16 March 2015	An Incident Report recorded that Mr X self-harmed.

#### Detention incidents

Incident reports recorded that Mr X was allegedly involved in multiple behavioural incidents of a minor nature.
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#### Case status

Mr X was detained on 16 July 2013 after arriving in Australia by sea and has been held in restricted detention for more than two and a half years.  On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 28 January 2016 Mr X lodged a TPV application.
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