

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	1994
Ombudsman ID	1003130
Date of DIBP's report	5 May 2015
Total days in detention	Not provided

Detention history

8 May 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 681 <i>Harlow</i> . He was transferred to immigration detention on Christmas Island and subsequently to Wickham Point Alternative Place of Detention (APOD) (dates not provided). ¹
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.	
9 October 2015	Granted a Bridging visa.

Health and welfare

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Mr X.	
20 January 2014	A DIBP Incident Report recorded that Mr X injured his right leg. No further information was provided.
21 January 2014	A DIBP Incident Report recorded that IHMS informed Serco officers that Mr X had self-harmed. No further information was provided.

¹ DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X was accommodated in the single adult male compound at Wickham Point APOD.

Detention incidents

20 November 2013	A DIBP Incident Report recorded that Mr X was allegedly involved in an assault on two detainees resulting in the detainees requiring hospital treatment. No further information was provided.
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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 8 May 2013 after arriving in Australia and was held in detention for over two years before being granted 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.