

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 immigration detention for a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1978
Ombudsman ID	1002513
Date of DIBP's report	4 May 2015
Total days in detention	Not provided

Detention history

5 May 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia with his family ¹ aboard Suspected Illegal Entry Vessel 689 <i>Penzance</i> .
18 March 2014	Following criminal charges, Mr X was transferred from his community detention residence and held in police custody.
25 March 2014	Transferred to the Arthur Gorrie Correctional Centre.
14 April 2014	Transferred to Brisbane Immigration Transit Accommodation (ITA).
29 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.	
29 October 2015	Granted a Bridging visa.

Criminal history

18 March 2014	DIBP advised that Mr X was held in police custody after he allegedly assaulted and threatened his wife. He was charged with threatening violence, assault causing bodily harm and deprivation of liberty and was scheduled to appear before a court on 21 March 2014.
25 March 2014	Mr X's community detention placement was revoked under s 197AB and he was transferred to the Arthur Gorrie Correctional Centre.
14 April 2014	He was transferred to Brisbane ITA as per his bail conditions.

¹ Mr X arrived in Australia with his wife, Ms Y, and their three daughters who were granted Bridging visas on 18 June 2015. They are the subjects of a separate Ombudsman report.

13 May 2015	DIBP advised that he is subject to a two-year Protection Order which expires on 13 May 2017.
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Health and welfare

International Health and Medical Services provided details of Mr X's health and welfare while in detention. No significant ongoing physical health concerns were noted.	
19 September 2014	Reviewed by a psychiatrist after presenting with low mood related to his transfer from community detention to restricted detention following an alleged domestic violence incident. He was prescribed with medication and continued to be monitored by a psychiatrist.
12 April 2015	Diagnosed with an adjustment disorder and his medication was altered. Prior to his release from detention, his mental health was monitored by the mental health team.

Ombudsman assessment/recommendation

<p>Mr X was granted a Bridging visa on 29 October 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X was detained on 5 May 2013 after arriving in Australia and was held in detention for a cumulative period of over two years before being granted a 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.</p> <p>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.</p>
