

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	1971
Ombudsman ID	1003035
Date of DIBP's report	31 March 2015
Total days in detention	Not provided

Detention history

23 March 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland aboard Suspected Illegal Entry Vessel (SIEV) 618 <i>Studebaker</i> .
26 August 2015	Granted a Bridging visa and released from immigration detention.
The Department of Immigration and Border Protection (DIBP) advised that Mr X's wife, Ms Y, arrived aboard SIEV <i>Weinam</i> and is the subject of Ombudsman report 1003079.	

Visa applications/case progression

DIBP advised that as Mr X arrived in Australia as a 'direct entry person' ¹ he is not barred under s 46A from lodging a protection visa application.	
26 August 2015	Granted a Bridging visa.

Health and welfare

DIBP did not provide an International Health and Medical Services Health Summary Report for Mr X.	
25 August 2013	A DIBP Incident Report recorded that Mr X commenced voluntary starvation as a form of protest. No further information was provided.
15 August 2014	A DIBP Incident Report recorded that Mr X required an ambulance. No further information was provided.

Detention incidents

27 November 2011 – 22 April 2014	A DIBP Incident Report recorded that Mr X appeared before the Darwin Magistrates Court on four occasions during this period. No further information was provided.
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¹ A maritime arrival to Australia's mainland who is seeking protection.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 26 August 2015 and released from immigration detention.

The Ombudsman notes that Mr X was detained on 23 March 2013 after arriving on the Australian mainland aboard SIEV *Studebaker* and was held in detention for 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.

Given that Mr X is not subject to the bar under s 46A, the Ombudsman recommends that the processing of his protection claims commence as soon as possible.