

**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).

Name	Mr X
Citizenship	Country A
Year of birth	1987
Ombudsman ID	1002407-O
Date of DIBP's report	17 May 2016
Total days in detention	730 (at date of DIBP's report)

Detention history

29 April 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 323 <i>Baden</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
30 April 2012 – 27 June 2012	Transferred three times between various immigration detention facilities.
11 September 2012	Granted a bridging visa and released from detention.
30 September 2014	Re-detained at the Adelaide State Office of the Department of Immigration and Border Protection (the department). Transferred to Adelaide Immigration Transit Accommodation (ITA).
2 October 2014	Transferred to Wickham Point APOD.
2016	Transferred to Melbourne ITA.
19 October 2016	Granted a Bridging visa and released from detention.

Visa applications/case progression

29 May 2012	The Minister lifted the bar under s 46A to allow him to lodge a temporary visa application.
29 July 2012	Lodged a Protection visa application.
11 September 2012	Granted a bridging visa and released from detention. The visa ceased on 17 January 2013. The department advised that Mr X was granted multiple bridging visas on departure grounds, the last of which ceased on 29 September 2014.
19 September 2012	Protection visa application refused.
24 September 2012	Appealed to the Refugee Review Tribunal (RRT).
20 December 2012	RRT affirmed original decision.
30 September 2014	Re-detained under s 189(1).

7 October 2014	Attended removals interview and indicated he did not wish to depart Australia voluntarily.
17 May 2016	The department advised it had determined Mr X's identity to be inconclusive. It stated that as his identity had not yet been confirmed, his removal would be protracted.
19 October 2016	Granted a Bridging visa.

Health and welfare

International Health and Medical Services provided details of Mr X's health and welfare. No significant ongoing physical or mental health concerns were noted aside from Mr X having been a tuberculosis contact who completed two years of monitoring with no concerns identified.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no matters before the department, the courts or tribunals and is on a removal pathway. The department has advised Mr X's removal will be protracted as his identity has not been confirmed.

Mr X was granted a Bridging visa on 19 October 2016 and released from immigration detention.