

**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	1979
Ombudsman ID	1002488-O
Date of DIBP's report	1 September 2016
Total days in detention	730 (at the date of DIBP's report)

Detention history

12 August 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 408 <i>Nilma</i> .
20 November 2012	Granted a Bridging visa and released from restricted detention.
11 December 2014	Bridging visa cancelled and re-detained under s 189(1) following criminal charges.
19 October 2016	Granted a Bridging visa and released from restricted detention.

Visa applications/case progression

24 September 2012	The Minister lifted the bar under s 46A to allow Mr X to lodge a Protection visa application only.
20 November 2012	Granted a Bridging visa.
19 December 2012	Lodged a Protection visa application.
6 February 2014	Protection visa application refused.
25 February 2014	Appealed to the Refugee Review Tribunal (RRT).
23 July 2014	The RRT remitted Mr X's Protection visa application to the Department of Immigration and Border Protection (the department).
11 December 2014	Bridging visa cancelled under s 116(1) following criminal charges.
15 December 2014	Applied to the Migration Review Tribunal (MRT) for review of the decision to cancel his Bridging visa.
16 December 2014	The department advised that following legislative amendment, Mr X's original Protection visa application was now taken to be a valid application for a Temporary Protection visa (TPV).
22 December 2014	The MRT affirmed the decision to cancel Mr X's Bridging visa.
18 February 2016	Mr X requested removal from Australia. On 22 March 2016 he withdrew the request.
10 March 2016	Mr X withdrew the Protection visa application, now deemed to be a TPV application, which had been lodged on 19 December 2012.

18 May 2016	The department requested ministerial intervention under s 46A(2) to lift the bar to enable Mr X to lodge a Safe Haven Enterprise visa (SHEV) application.
27 May 2016	The Minister lifted the bar.
15 July 2016	The department notified Mr X that he was not eligible to receive the Primary Application and Information Service to assist in lodging an application for a SHEV.
20 July 2016	The department invited Mr X to lodge a SHEV application. On 1 September 2016 the department advised that the matter remained ongoing.
15 August 2016	A first stage submission was referred to the Minister for consideration of intervention under s 195A to grant a Bridging visa.
19 October 2016	Granted a Bridging visa.

Other legal matters

9 December 2014	Mr X was charged with stalking, intimidation and intending physical harm to another person. On 18 January 2016 the charges were dismissed and withdrawn in Fairfield Local Court.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X was provided with treatment and counselling for mental health issues including bipolar disorder, in which he had presented with mood swings, paranoid delusions and irrational behaviour, and a history of torture and trauma.</p> <p>He also underwent assessment and/or treatment for physical health concerns including gastric reflux and a hernia, with surgery pending at 27 July 2016, the date of the report from IHMS.</p>	
27 September 2013	An Incident Report recorded that Mr X expressed a desire to self-harm.
9 December 2014	An Incident Report recorded that Mr X was allegedly assaulted by two males in what was described as a serious assault.

Case status

<p>Mr X was granted a Bridging visa on 19 October 2016 and released from immigration detention.</p> <p>Mr X was detained on 12 August 2012 after arriving in Australia by sea and was held in restricted detention for a cumulative period of more than two years before being granted a Bridging visa.</p> <p>On 27 May 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a SHEV and on 20 July 2016 the department invited Mr X to apply.</p>
