

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 more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1996
Ombudsman ID	1002933
Date of DIBP's report	12 March 2015
Total days in detention	Not provided

Detention history

12 March 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 16 aboard Suspected Illegal Entry Vessel 604 <i>Enzmann</i> .
5 June 2014	Transferred from community detention to Melbourne Immigration Transit Accommodation (ITA) following an alleged incident in community detention.
20 April 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.	
20 April 2015	Granted a Bridging visa.

Health and welfare

International Health and Medical Services provided details of Mr X's health and welfare in detention. No significant ongoing physical or mental health concerns were noted.	
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Detention incidents

23 August 2013	A DIBP Incident Report recorded that Mr X threatened his community detention carer following a disagreement. DIBP advised that the police were notified. No further information was provided.
9 March 2014	A DIBP Incident Report recorded that Mr X was allegedly involved in a sexual assault and was visited by the police on 30 April 2014.

Other matters

5 June 2014	Mr X's community detention placement was revoked following an investigation by the Victorian Police regarding an alleged sexual assault on 9 March 2014. He was transferred to Melbourne ITA as a result of the ongoing police investigation.
17 July 2014	The Victorian Police advised that Mr X was no longer a person of interest and the matter was closed.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 20 April 2015 and released from immigration detention.

On 5 June 2014 Mr X was transferred from community detention to Melbourne ITA following criminal allegations. The Ombudsman notes with concern that Mr X ceased to be a person of interest to the Victorian Police on 17 July 2014, however he remained in restricted detention for a further nine months before being granted a Bridging visa.

The Ombudsman notes that Mr X was detained on 12 March 2013 after arriving in Australia as an unaccompanied minor aged 16 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.

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.