

**REPORT BY THE COMMONWEALTH AND  
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

*Under s 486O of the Migration Act 1958*

This is the third s 486O report on Mr X who has remained in restricted immigration detention for more than 48 months (four years).

The first report 1002261 was tabled in Parliament on 3 June 2015 and the second report 1003273 was tabled in Parliament on 31 August 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

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| <b>Name</b>                    | Mr X                                   |
| <b>Citizenship</b>             | Country A                              |
| <b>Year of birth</b>           | 1957                                   |
| <b>Ombudsman ID</b>            | 1001250-O                              |
| <b>Date of DIBP's reports</b>  | 18 August 2016 and 16 February 2017    |
| <b>Total days in detention</b> | 1458 (at date of DIBP's latest report) |

**Recent detention history**

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|---|--------------------------------------|
| Since the Ombudsman's previous report (1003273), Mr X has remained at Yongah Hill Immigration Detention Centre (IDC). |                                      |
| 12 July 2016  | Transferred to Christmas Island IDC. |

**Recent visa applications/case progression**

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| 16 May 2016  | Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.   |
| 9 August 2016,<br>10 November 2016 and<br>10 February 2017 | The Department of Immigration and Border Protection (the department) advised that it enquired with the Country A authorities and requested their assistance to obtain a travel document for Mr X in order to progress his voluntary removal from Australia.<br><br>The department advised that identity concerns raised by the Country A authorities have caused a delay in granting the documents. |
| 26 January 2017  | The department reviewed Mr X's detention placement and found that it was appropriate.   |

**Health and welfare**

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| International Health and Medical Services advised that Mr X received treatment for multiple physical health conditions, including type 2 diabetes. |
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### **Information provided by Mr X**

During a telephone conversation with Ombudsman staff on 3 May 2017 Mr X advised that he is liaising with the Country A authorities to obtain a travel document and progress his removal. He said that he has provided the Country A authorities with the required documentation and his case is currently being reviewed.

Mr X further advised that he has contacted the Australian authorities regarding his Australian residency status and received a Certificate of Evidence of Residence Status in November 2015. He claimed that he became an absorbed person following his arrival in Australia as a child and was investigating whether his residency can be revoked under s 501.

Mr X wished to respond to information included in his previous Ombudsman's report (1003273) stating that he is subject to an outstanding arrest warrant and would be arrested if he was placed in the community. Mr X reported that he contacted the police and was informed that this information is incorrect and was the result of an administrative error. He advised that he has since received a police certificate confirming that he is not subject to an outstanding arrest warrant.

Mr X further advised that he was granted an Australian Border Force Certificate of Appreciation in February 2017 in recognition of his good behaviour and awarded access to additional privileges, such as attending excursions.

### **Case status**

Mr X's permanent resident visa was cancelled under s 501 on 9 December 2004.

On 27 October 2015 Mr X signed a form requesting removal from Australia. At the time of the department's latest review, the department was continuing to negotiate with the Country A authorities for the issue of a travel document.