

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in restricted immigration detention for more than 66 months (five and a half years).

The first report 1001153 was tabled in Parliament on 12 February 2014, the second report 1001438 was tabled in Parliament on 4 March 2015 and the third report 1002235 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.

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1000878-O
Date of DIBP's reports	6 August 2016 and 7 February 2017
Total days in detention	2007 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002235), Mr X remained at Facility B.	
3 November 2016	Transferred to Facility C.

Recent visa applications/case progression

15 February 2016	Request for special leave for judicial review of the Federal Court's decision by the High Court was refused.
28 April 2016	Requested judicial review of his negative International Treaties Obligations Assessment (ITOA) outcome by the Federal Circuit Court (FCC).
7 February 2017	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa. The Department of Immigration and Border Protection advised that Mr X was scheduled to appear before the FCC on 23 February 2017 and the final hearing is scheduled for 20 June 2017.

Health and welfare

International Health and Medical Services advised that Mr X attended regular mental health reviews for monitoring of situational stress and a history of torture and trauma. He declined a referral for further mental health support.
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Case status

Mr X was initially found to be owed protection under the Refugee Convention on 26 April 2011 but was refused the grant of a Protection visa under s 501 on 29 August 2013.

On 11 September 2014, an ITOA determined that Mr X's case no longer engaged Australia's *non-refoulement* obligations following the assessment of updated country information. He continues to await the outcome of judicial review.