

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

*Under s 486O of the Migration Act 1958*

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

1001171 tabled in Parliament on 12 February 2014

1001453 tabled in Parliament on 22 October 2014

1001817 tabled in Parliament on 3 June 2015

1003356 tabled in Parliament on 8 November 2016

This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1980
<b>Ombudsman ID</b>	1000881-O
<b>Date of DIBP's reports</b>	17 August 2016 and 15 February 2017
<b>Total days in detention</b>	2004 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1003356), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
6 October 2016	Transferred to Christmas Island IDC.

**Recent visa applications/case progression**

The Department of Immigration and Border Protection (the department) advised that Mr X has been identified as a person of interest to an external agency.	
15 August 2016	The external agency cleared Mr X for the grant of a Bridging visa.
2 September 2016	Mr X's case was referred on a ministerial submission for consideration under ss 195A and 197AB of the <i>Migration Act 1958</i> for the grant of a Bridging visa and community detention placement.
7 October 2016	The Minister declined to intervene under ss 195A and 197AB.
22 November 2016	Requested judicial review of negative International Treaties Obligations Assessment outcome by the Federal Circuit Court.
22 December 2016	Mr X's withdrew his request for judicial review.
15 February 2017	The department advised that it is considering the resolution of Mr X's immigration status.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X has not received treatment for any mental health concerns, but has presented with symptoms of detention fatigue. He declined to attend routine mental health reviews but continued to be monitored by IHMS.

**Ombudsman assessment/recommendation**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for a cumulative period of more than five and a half years. The department has advised that his case is affected by case law and that it is considering the resolution of his immigration status.

The Ombudsman notes with concern the Government's duty of care to detainees and the serious risk to mental and physical health prolonged and apparently indefinite detention may pose. Given that Mr X has remained in restricted immigration detention for more than five and a half years, the Ombudsman recommends the department prioritise the resolution of his immigration status.