

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

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X who has remained in restricted immigration detention for more than 36 months (three years).

The first report 1003372 was tabled in Parliament on 31 August 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1966
Ombudsman ID	1002112-O
Date of DIBP's report	20 August 2016
Total days in detention	1094 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1003372), Mr X remained at Wickham Point Alternative Place of Detention.	
4 May 2016	Transferred to Melbourne Immigration Transit Accommodation.

Recent visa applications/case progression

27 July 2016	The Minister appealed the Full Federal Court decision ¹ of 2 September 2015 and the High Court (HC) found that the International Treaties Obligation Assessment (ITOA) process was not procedurally unfair. ² The Department of Immigration and Border Protection (DIBP) advised that it is considering the implications of this judgment.
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Health and welfare

International Health and Medical Services advised that Mr X received ongoing treatment for chronic lower back pain and right shoulder bursitis. He was prescribed with pain relief medication and referred for physiotherapy. Mr X also presented with increased gastric issues and was referred for review by a gastroenterologist. He is awaiting allocation of an appointment date.
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Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. His case is affected by the HC judgment of 27 July 2016 and DIBP has advised that it is considering the implications of this judgement.
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¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

² *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.