

**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 1003436 was tabled in Parliament on 29 April 2016. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1989
<b>Ombudsman ID</b>	1002163-O
<b>Date of DIBP's reports</b>	17 March 2016 and 14 September 2016
<b>Total days in detention</b>	1094 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1003436), Mr X remained at Wickham Point Alternative Place of Detention.	
16 June 2016	Transferred to Melbourne Immigration Transit Accommodation.

**Recent visa applications/case progression**

Mr X's 24-month review by the Department of Immigration and Border Protection (DIBP), dated 16 September 2015, advised that his case was affected by the judgement handed down by the Full Federal Court (FFC) on 2 September 2015 <sup>1</sup> and this information was recorded in Ombudsman's report 1002336.	
In Mr X's subsequent review dated 17 March 2016, DIBP advised that Mr X's case is not affected by the FFC decision as his protection claims had not been assessed at that time.	
29 September 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
6 November 2015	DIBP invited Mr X to lodge an application for a temporary visa.
4 February 2016	Found not to meet the guidelines for referral to the Minister under s 195A.
22 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 26 February 2016 and was assigned a PAIS provider.
17 March 2016	DIBP advised that Mr X had been identified as a person of interest in relation to alleged criminal charges offshore.
10 May 2016	Lodged a Safe Haven Enterprise visa application.

<sup>1</sup> *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

## **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X continued to experience intermittent pain in his right abdomen and flank. Pathology tests and ultrasound scans were conducted with no abnormalities identified and he is awaiting review by an urologist. Mr X also received physiotherapy and pain-relief medication for management of his scoliosis and he attended an appointment with a dermatologist on 14 July 2016 for review of a skin lesion.

IHMS further advised that Mr X presented with symptoms of anxiety and depression, detention fatigue and sleeping difficulties in June 2016. He was referred for supportive counselling and his mental health is monitored by IHMS.

## **Case status**

Mr X was detained on 16 September 2013 after arriving in Australia by sea and has been held in restricted detention for more than three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 10 May 2016 Mr X lodged a SHEV application.