

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 1003034 was tabled in Parliament on 10 February 2016 and the second report 1001810-O was tabled in Parliament on 14 September 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	1991
Ombudsman ID	1001810-O1
Date of DIBP's reports	19 September 2016 and 20 March 2017
Total days in detention	1458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001810-1), Mr X remained at Wickham Point Alternative Place of Detention.	
21 June 2016	Transferred to Yongah Hill Immigration Detention Centre (IDC).

Recent visa applications/case progression

18 August 2016	The Federal Circuit Court (FCC) quashed the Administrative Appeals Tribunal's (AAT) decision of 21 October 2015 and remitted the matter to the AAT.
15 March 2017	The AAT set aside the decision to refuse Mr X's application for a Protection visa and substituted it with a decision to refuse a Temporary Protection visa (TPV). ¹
20 March 2017	The Department of Immigration and Border Protection (the department) advised that Mr X's case will be referred to the Minister under s 195A of the <i>Migration Act 1958</i> for consideration of a Bridging visa.

Health and welfare

International Health and Medical Services advised that Mr X presented with decreased hearing and was scheduled to undergo an audiology review on 21 June 2016, however he was unable to attend after being transferred to Yongah Hill IDC. He was provided with a new referral and was awaiting an appointment at the time of IHMS's report.
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¹ Following legislative amendment, Mr X's original Protection visa application was taken to be a valid application for a TPV.

Case status

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 more than four years.

On 15 March 2017 the AAT set aside the decision to refuse Mr X's application for a Protection visa and substituted it with a decision to refuse a TPV.

The department has advised that Mr X's case will be referred to the Minister under s 195A for consideration of a Bridging visa.