

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABELING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X who has remained in immigration detention for more than 48 months (four years).

The first report 1001670 was tabled in Parliament on 1 October 2014 and the second report 1002163 was tabled in Parliament on 3 February 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	1990
Ombudsman ID	1001032-O
Date of DIBP's reports	26 December 2015 and 25 June 2016
Total days in detention	1458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002163), Mr X has remained in community detention.
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Recent visa applications/case progression

26 December 2015	The Department of Immigration and Border Protection (DIBP) advised that Mr X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair.
13 April 2016	The Minister lifted the bars under ss 46A and 48B of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
25 June 2016	DIBP advised that it was yet to invite Mr X to apply for a temporary visa.
27 July 2016	The Minister appealed the FFC decision and the High Court (HC) found that the ITOA process was not procedurally unfair. ² DIBP advised that it is considering the implications of this judgment.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues.
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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.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and complementary protection criterion. His case is affected by the HC judgment of 27 July 2016 and DIBP advised it is considering the implications of this judgment.

On 13 April 2016 the Minister lifted the bars under ss 46A and 48B to allow Mr X to apply for a temporary visa. At the time of DIBP's latest review he was awaiting an invitation to lodge an application.