

**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 42 months (three and a half years).

The first report 1002224 was tabled in Parliament on 12 August 2015 and the second report 1003153 was tabled in Parliament on 31 August 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	1971
Ombudsman ID	1001237-O
Date of DIBP's report	29 July 2016
Total days in detention	1276 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1003153), Mr X has remained at Perth Immigration Detention Centre.

Recent visa applications/case progression

27 July 2016	The Minister appealed the Full Federal Court (FFC) ¹ decision and the High Court (HC) found that the International Treaties Obligations Assessment process was not procedurally unfair. ² The Department of Immigration and Border Protection (DIBP) advised that it is considering the implications of this judgment.
On 29 July 2016	DIBP advised that Mr X continues to await the outcome of the Administrative Appeals Tribunal's (AAT) reconsideration of its decision to affirm the cancellation of his Skilled Independent visa. Mr X also continues to await the outcome of his appeal to the Federal Circuit Court in relation to the refusal of his Protection visa application.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X presented with right hip pain. Topical treatment was provided and an x-ray found no abnormalities.

IHMS further advised that Mr X continues to engage with the mental health team for ongoing support for stress and anxiety.

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 the complementary protection criterion. At the time of DIBP's report, Mr X was awaiting the outcome of merits and judicial review.

Mr X's case is also affected by the HC judgment of 27 July 2016 and DIBP has advised that it is considering the implications of this judgment.