

**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 immigration detention for more than 54 months (four and a half years).

The first report 1001404 was tabled in Parliament on 25 June 2014 and the second report 1001686 was tabled in Parliament on 17 June 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

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| <b>Name</b>                    | Mr X  |
| <b>Citizenship</b>             | Country A                                   |
| <b>Year of birth</b>           | 1996  |
| <b>Ombudsman ID</b>            | 1002912                                     |
| <b>Date of DIBP's reports</b>  | 7 July 2015, 5 January 2016 and 4 July 2016 |
| <b>Total days in detention</b> | 1640 (at date of DIBP's latest report)      |

**Recent detention history**

Since the Ombudsman's previous report (1001686), Mr X has remained in community detention.

**Recent visa applications/case progression**

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|---------------------------------------|---|
| 28 August 2015                        | Filed a notice of discontinuance of judicial review by the Federal Circuit Court which had commenced on 28 October 2014.  |
| 14 September 2015                     | Found not to meet the guidelines for referral to the Minister under s 417 of the <i>Migration Act 1958</i> .  |
| 2 December 2015                       | Lodged a further request for ministerial intervention under s 417.  |
| 24 December 2015 and 24 February 2016 | Found not to meet the guidelines for referral to the Minister under s 48B.  |
| 31 March 2016                         | DIBP approved a change to Mr X's address pending a determination by the Minister under s 197AB to allow him to reside with his Australian wife.   |
| 9 May 2016                            | Found not to meet the guidelines for referral to the Minister under s 195A.   |
| 23 June 2016                          | The Minister declined to vary Mr X's residential address, requiring him to stay at the previously designated address.   |
| 4 July 2016                           | DIBP advised that Mr X's case had been affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) <sup>1</sup> which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair. |
| 4 July 2016                           | DIBP advised that it was considering how to resolve Mr X's immigration status.  |

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

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| 27 July 2016 | The Minister appealed the FFC decision and the High Court found that the ITOA process was not procedurally unfair. |
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**Health and welfare**

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| <p>International Health and Medical Services (IHMS) advised that Mr X has been monitored and treated for a history of depression, anxiety and post-traumatic stress disorder.</p> <p>Mr X has attended psychological counselling and in March 2016 he was reviewed by a hospital mental health team after he presented at the hospital with thoughts of self-harm. Information provided by IHMS and in a DIBP Incident Report indicate that Mr X has a history of self-harm and suicidal ideation. Mr X has been prescribed with antidepressant medication to manage his symptoms.</p> <p>IHMS advised that the general practitioner and community psychology services continue to monitor Mr X's mental health.</p> |  |
| 13 July 2015   | A DIBP Incident Report recorded that a Life Without Barriers caseworker had observed self-harm cuts on Mr X. |

**Other matters**

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| 18 August 2015 | Mr X married Ms Y who is an Australian citizen. |
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**Case status**

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| <p>Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. DIBP has advised that it is considering how to resolve Mr X's immigration status.</p> |  |
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