

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 1001739 was tabled in Parliament on 3 December 2014 and the second report 1002254 was tabled in Parliament on 9 September 2015. 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	1966
Ombudsman ID	1003142
Date of DIBP's reports	24 July 2015, 29 January 2016 and 20 July 2016
Total days in detention	1485 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002254), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
24 March 2015	Transferred to Wickham Point Alternative Place of Detention (APOD).
3 September 2015	Transferred to Villawood IDC.
20 November 2015	Transferred to Wickham Point APOD.
16 June 2016	Transferred to Yongah Hill IDC.

Recent visa applications/case progression

12 February 2015	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant a Bridging visa.
2 June 2015	Mr X's case was referred on a ministerial submission for consideration under ss 197AB, 195A and 46A.
4 June 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a Temporary Protection visa (TPV), but declined to intervene under ss 197AB or 195A.
11 June 2015	DIBP invited Mr X to lodge a TPV application.
4 August 2015	Mr X lodged a TPV application.
22 September 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a Safe Haven Enterprise visa (SHEV) application.
28 September 2015	DIBP invited Mr X to lodge a SHEV application.
26 October 2015	Mr X lodged a SHEV application with an associated Bridging visa application.

11 November 2015	Mr X withdrew his TPV application and advised that he wishes to proceed with his SHEV application.
18 February 2016	Associated Bridging visa application deemed invalid.
17 March 2016	Mr X attended an interview in relation to his SHEV application
5 May 2016	Mr X's case was referred on a ministerial submission for consideration under s 195A.
24 June 2016 and 15 July 2016	DIBP invited Mr X to provide further information in relation to his SHEV application.
30 June 2016	The Minister declined to intervene under s 195A.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received specialist counselling for depression and insomnia related to his prolonged detention. He was prescribed with medication and continued to be monitored by the mental health team and a general practitioner.

Other matters

4 March 2016	The Australian Human Rights Commission finalised its investigation of Mr X's complaint.
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Case status

Mr X was detained on 23 August 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Orelia* and has been held in restricted detention for over three and a half years.

On 22 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 26 October 2015 Mr X lodged a SHEV application.