

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the second 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 1003073 was tabled in Parliament on 24 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1001842-O
Date of DIBP's reports	23 March 2016 and 21 September 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003073), Mr X remained at Wickham Point Alternative Place of Detention.	
11 May 2016	Transferred to Melbourne Immigration Transit Accommodation.

Recent visa applications/case progression

29 September 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
6 November 2015	The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a temporary visa application.
17 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
25 January 2016	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a Bridging visa.
25 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application and should he accept the offer, he will be invited to lodge a new application or provide further information in relation to his current SHEV application. He accepted the offer on 2 March 2016 and was assigned a PAIS provider.
23 April 2016	Mr X withdrew his initial SHEV application and lodged a second SHEV application on 29 April 2016.
11 July 2016	SHEV application refused.
13 July 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
13 September 2016	The IAA affirmed the decision to refuse the SHEV application.

21 September 2016	DIBP advised that Mr X remains a person of interest.
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Health and welfare

International Health and Medical Services advised that Mr X continued to receive treatment for a deviated nasal septum and associated headaches and migraines. Following his transfer to Melbourne ITA, Mr X's previous referral for a corrective surgical procedure was cancelled. He was re-referred on 2 August 2016 and placed on a hospital waiting list.

Case status

Mr X was detained on 25 March 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Zaporojec* and has been held in restricted detention for more than three and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa. DIBP subsequently refused his application for a SHEV as he was found not to be owed protection and the IAA has affirmed this decision.

At the date of DIBP's latest review, Mr X was still within the timeframe for applying for judicial review of the IAA's decision.