

**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 and his brother who have remained in immigration detention for more than 42 months (three and a half years).

The first report 1002985 was tabled in Parliament on 6 May 2016. This report updates the material in that report and should be read in conjunction with the previous report.

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| Name | Mr X (and brother) |
| Citizenship | Country A |
| Year of birth | 1995 |

Family details

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| Family members | Master Y (brother) |
| Citizenship | Country A |
| Year of birth | 2006 |

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| Ombudsman ID | 1001758-O |
| Date of DIBP's reports | 11 July 2016 and 10 January 2017 |
| Total days in detention | 1276 (at date of DIBP's latest report) |

Recent detention history

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| Since the Ombudsman's previous report (1002985), Mr X and his brother have remained in community detention. |
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Recent visa applications/case progression

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| 19 January 2016 | The brothers' Safe Haven Enterprise visa (SHEV) application was amended to list Mr X as the primary applicant. |
| 2 September 2016 | SHEV application refused. |
| 8 September 2016 | The brothers' case was referred to the Immigration Assessment Authority (IAA) for review. |
| The Department of Immigration and Border Protection (the department) advised that Mr X would like to be considered for a Bridging visa under s 195A of the <i>Migration Act 1958</i> and have his brother reside with him in the community. The department is exploring options in relation to this matter. | |

Health and welfare

Mr X

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| International Health and Medical Services (IHMS) advised that Mr X continues to be monitored for hepatitis B as required. |
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Master Y

IHMS advised that Master Y has not required treatment for any major physical or mental health issues.

Case status

Mr X and his brother were detained on 14 July 2013 after arriving in Australia by sea as unaccompanied minors aged 17 and 7 respectively and have been held in detention for more than three and a half years.

Mr X and his brother's SHEV application was refused on 2 September 2016 and their case was referred to the IAA for review.