

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth 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 1001370 was tabled in Parliament on 28 May 2014, the second report 1001603 was tabled in Parliament on 13 May 2015 and the third report 1002674¹ was tabled in Parliament on 14 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	1996
Ombudsman ID	1002280-O
Date of DIBP's reports	3 December 2015 and 2 June 2016
Total days in detention	1640 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002674), Mr X has remained in community detention.

Recent visa applications/case progression

17 August 2015	The Assistant Minister declined to intervene under s 417 of the <i>Migration Act 1958</i> .
3 December 2015	The Department of Immigration and Border Protection (DIBP) advised that Mr X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ² which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair. The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair. ³
13 April 2016	The Minister lifted the bars under ss 46A and 48B to allow Mr X to lodge a temporary visa application.

Health and welfare

International Health and Medical Services advised that Mr X was admitted to hospital on 14 December 2015 for a surgical procedure after sustaining a fractured jaw. DIBP Incident Reports recorded that he was allegedly assaulted by two men in the community on 12 December 2015. No further information was provided.

¹ Mr X was previously reported on as part of a family group.

² *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

³ *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.

Case status

Mr X was detained on 6 December 2011 after arriving in Australia aboard Suspected Illegal Entry Vessel *Glover* and has been held in detention for over four and a half years.

On 13 April 2016 the Minister lifted the bars under ss 46A and 48B to allow Mr X to lodge a temporary visa application. Mr X is awaiting an invitation to apply for a temporary visa.