

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

Under s 486O of the Migration Act 1958

This is the sixth s 486O report on Mr X who has remained in immigration detention for more than 78 months (six and a half years). The previous reports are:

Report 1065/12 tabled in Parliament on 26 June 2013
Report 1001147 tabled in Parliament on 19 March 2014
Report 1001436 tabled in Parliament on 24 September 2014
Report 1001760 tabled in Parliament on 18 March 2015
Report 1002221 tabled in Parliament on 2 March 2016

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	1965
Ombudsman ID	1000120-O
Date of DIBP's reports	27 January 2016 and 26 July 2016
Total days in detention	2368 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002221), Mr X has remained in community detention.

Recent visa applications/case progression

17 November 2015	The Department of Immigration and Border Protection (DIBP) advised that following legislative amendment, Mr X's original Protection visa is now taken to be a valid application for a Temporary Protection visa (TPV).
27 January 2016	DIBP advised that it continues to await the outcome of Mr X's security assessment from the Australian Security Intelligence Organisation.
8 February 2016	Mr X's case was referred on a first stage ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
25 March 2016	The Minister declined to intervene under s 195A.
26 July 2016	DIBP advised that Mr X's case was being considered for referral to the Minister under s 195A.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for depression and continues to be monitored by his general practitioner.

IHMS further advised that Mr X continues to receive treatment for multiple physical health concerns, including hypothyroidism and ischaemic heart disease. In February 2016 he was referred to an optometrist after presenting with eye abnormalities.

Ombudsman assessment/recommendation

The Ombudsman notes that Mr X was detained on 31 January 2010 after arriving in Australia aboard Suspected Illegal Entry Vessel *Cannington* and has been held in detention for over six and a half years.

On 1 August 2013 Mr X was found to be owed protection under the Refugee Convention. The Ombudsman notes with concern that Mr X continues to await the outcome of his security assessment commenced on 3 February 2014.

On 8 April 2013 the former Minister lifted the bar under s 46A to allow Mr X to apply for a Protection visa and on 7 May 2013 Mr X lodged an application for a Protection visa. On 17 November 2015 DIBP advised that following legislative amendment, Mr X's original Protection visa is now taken to be a valid application for a TPV.

The Ombudsman recommends that priority is given to exploring options to enable the resolution of Mr X's security assessment.