

## 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 1003078 was tabled in Parliament on 29 April 2016. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1969
<b>Ombudsman ID</b>	1001847-O
<b>Date of DIBP's reports</b>	12 April 2016 and 11 October 2016
<b>Total days in detention</b>	1276 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1003078), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
6 October 2016	Transferred to Christmas Island IDC.

### Recent visa applications/case progression

8 April 2016	Mr X was identified for assessment against the guidelines under s 195A of the <i>Migration Act 1958</i> for referral to the Minister for consideration of the grant of a Bridging visa.
15 June 2016	Found to meet the guidelines for referral to the Minister under s 195A. On 11 October 2016 the Department of Immigration and Border Protection (DIBP) advised it was preparing a ministerial intervention submission and the matter remained ongoing.
30 June 2016	The Federal Circuit Court reserved its decision in the matter of Mr X's application for judicial review of the Administrative Appeals Tribunal's <sup>1</sup> decision of 13 July 2015.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was diagnosed with gastro-oesophageal reflux disease and prescribed with oral medication to control ongoing symptoms of abdominal pain. IHMS stated that a general practitioner would continue to assess and monitor this health issue as required.
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<sup>1</sup> On 1 July 2015 the Migration Review Tribunal and Refugee Review Tribunal were merged into the AAT.

**Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review Mr X was awaiting the outcome of judicial review and DIBP was preparing a ministerial intervention submission under s 195A.