

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X who has remained in immigration detention for a cumulative period of more than 48 months (four years).

The first report 1000998 was tabled in Parliament on 13 November 2013 and the second report 1003458 was tabled in Parliament on 14 September 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	1983
Ombudsman ID	1000806-O
Date of DIBP's reports	25 September 2016 and 27 March 2017
Total days in detention	1459 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003458), Mr X has remained at Christmas Island Immigration Detention Centre.

Recent visa applications/case progression

7 February 2017	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.
15 March 2017	The Minister declined to intervene under s 195A.
27 March 2017	The Department of Immigration and Border Protection (the department) advised that it is considering the resolution of Mr X's immigration status.

Health and welfare

International Health and Medical Services advised that Mr X remained on a waiting list to see an ear, nose and throat specialist for symptoms related to an injury sustained prior to his detention.

Other matters

Mr X advised the department that he has a fiancé who is an Australian citizen.

Ombudsman assessment/recommendation

Mr X has been found not to be owed protection under the Refugee Convention and has been held in detention for more than four years. He has no matters before the department, the courts or tribunals and is on a removal pathway.

The Ombudsman notes that Mr X's removal is likely to be protracted as involuntary removal to Country A is not possible at present. The Ombudsman further notes that the department is considering the resolution of Mr X's immigration status.

The Ombudsman notes the Government's duty of care to immigration detainees and the serious risk to mental and physical health that prolonged indefinite restrictive immigration detention may pose. The Ombudsman recommends that consideration be given to granting a Bridging visa or a community detention placement until removal action can be progressed.