

ASSESSMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 42 months (three and a half years).

The first assessment 1003275 was tabled in Parliament on 14 September 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002017-O
Date of DIBP's reviews	13 August 2016 and 13 February 2017
Total days in detention	1,278 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous report (1003275), Mr X remained at Wickham Point Alternative Place of Detention.	
11 May 2016	Transferred to Yongah Hill Immigration Detention Centre.
15 May 2017	Granted a Bridging visa and released from detention.

Recent visa applications/case progression

20 July 2015	Mr X withdrew his request for removal from Australia. ¹
13 April 2016	The Minister lifted the bars under ss 46A and 48B of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
27 July 2016	The Minister appealed the Full Federal Court decision and the High Court found that the International Treaties Obligations Assessment process was not procedurally unfair. ² The Department of Immigration and Border Protection (the department) advised that it is considering the implications of this judgment.
2 September 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He accepted the offer on 5 September 2016 and was assigned a provider.
9 September 2016	The Minister declined to intervene under s 195A to grant Mr X a Bridging visa.
21 December 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.

¹ The 36-month s 486N review dated 13 August 2016 advised that the department omitted to include this information in its previous review.

² *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.

13 February 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A.
15 May 2017	Granted a Bridging visa.

Health and welfare

International Health and Medical Services advised that Mr X received treatment for varicose veins and chronic shoulder pain. He was scheduled to undergo vascular surgery on 1 March 2017.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion.

On 13 April 2016 the Minister lifted the bars under ss 46A and 48B to allow Mr X to apply for a temporary visa and on 21 December 2016 Mr X lodged an application for a SHEV.

On 15 May 2017 Mr X was granted a Bridging visa and released from detention.