

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 36 months (three years).

The first report 1002261 was tabled in Parliament on 3 June 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1957
Ombudsman ID	1003273
Date of DIBP's reports	24 August 2014 and 18 February 2016
Total days in detention	1,094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002261), Mr X has remained at Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

17 April 2015	Mr X's case was referred for assessment against the guidelines under s 195A for the grant of a Bridging visa.
30 June 2015	Mr X withdrew his request for voluntary removal.
12 August 2015	Mr X provided the Department of Immigration and Border Protection (DIBP) with further information relating to his identity, including a copy of his Country A birth certificate.
12 October 2015	DIBP provided the High Commission of Country A with advice from the Country A Chief Medical Officer of Health and Registrar of Births and Deaths confirming that Mr X's birth certificate was genuine. DIBP advised that it was awaiting a formal response.
19 October 2015	Found not to meet the guidelines for referral to the Minister under s 195A.
27 October 2015	Mr X re-signed a form requesting removal from Australia.
18 February 2016	DIBP advised that it was notified by the Western Australia Police that Mr X is the subject of an outstanding arrest warrant and will be arrested if he is placed in the community. DIBP further advised that it was negotiating with Country A authorities to organise a travel document for Mr X.

Health and welfare

19 February 2013 – ongoing	International Health and Medical Services (IHMS) advised that Mr X had previously been diagnosed with type 2 diabetes and was prescribed with medication. He attends regular pathology testing and is monitored by a general practitioner, podiatrist, optometrist and diabetic educator.
16 June 2015	During a routine mental health review, Mr X presented with symptoms of depression and reported that he felt isolated. Mr X declined mental health support and was advised to self-refer to the mental health team as required.

Information provided by Mr X

During a telephone conversation with Ombudsman staff on 29 February 2016 Mr X advised that he had applied for a Country A passport, but his application had been rejected.

Mr X said that he believes he is now a Country B citizen because he had not applied for Country A citizenship following its independence from Country B. He said that he may now be eligible for a Country B passport and was working with the Country B authorities to confirm his citizenship.

Mr X said that his case was meant to be sent to the Minister for consideration for a Bridging visa, however this was unsuccessful as DIBP could not confirm his nationality. He said that he is no longer a Country A citizen and he hopes that his case can be resolved.

Mr X reported that he has requested further information about his parents' naturalisation in Australia through the National Archives of Australia and had received information regarding his arrival in Australia as a child.

Case status

Mr X's Permanent Resident visa was cancelled under s 501 of the *Migration Act 1958* in December 2004.

On 27 October 2015 Mr X signed a form requesting removal from Australia. DIBP is continuing to negotiate with Country A officials for the issue of a travel document.