

**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 a cumulative period of more than 42 months (three and a half years).

The first report 1002133 was tabled in Parliament on 24 February 2016. 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	1991
Ombudsman ID	1001207-O
Date of DIBP's reports	1 December 2015 and 28 May 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002133), Mr X remained at Facility F.	
22 October 2015	Transferred to Christmas Island IDC.
28 January 2016	Transferred to Yongah Hill IDC.
14 February 2016	Transferred to Villawood IDC.

Recent visa applications/case progression

13 August 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
24 August 2015	The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a temporary visa application.
25 September 2015	Lodged Bridging visa application.
29 September 2015	DIBP notified Mr X that the Bridging visa application was invalid under s 46A(1).
11 December 2015	The New South Wales Director of Public Prosecutions issued Mr X with a Criminal Justice Stay Certificate (CJSC).
18 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a temporary visa application. He accepted the offer on 22 February 2016 and was assigned a PAIS provider.
15 March 2016	DIBP advised that Mr X was no longer considered a person of interest.
22 March 2016	Mr X's CJSC was cancelled following the finalisation of his legal matters.
20 April 2016	Mr X's case was referred on a first stage ministerial submission under s 195A for the grant of Bridging visa.

6 May 2016	The Minister declined to intervene under s 195A.
18 May 2016	Lodged a Safe Haven Enterprise visa (SHEV) application.

Other legal matters

22 February 2016	Mr X appeared before a District Court and was found not guilty of all charges.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any major mental health issues during the last two reporting periods from 11 June 2015 to 21 April 2016.

IHMS further advised that Mr X received treatment for a shoulder injury and continues to be monitored by the general practitioner.

Case status

Mr X was detained on 10 September 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Zedoary* and has been held in restricted detention for a cumulative period of over three and a half years.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 18 May 2016 Mr X lodged a SHEV application.