

**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 restricted immigration detention for more than 48 months (four years).

The first report 1001847 was tabled in Parliament on 4 March 2015 and the second report 1002311 was tabled in Parliament on 25 November 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1948
<b>Ombudsman ID</b>	1001113-O
<b>Date of DIBP's reports</b>	4 March 2016 and 3 September 2016
<b>Total days in detention</b>	1458 (at date of DIBP's latest report)

**Detention history**

6 September 2012	Mr X was detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his Transitional (Permanent) visa and transferred to Maribyrnong Immigration Detention Centre (IDC).
14 May 2015	Transferred to Christmas Island IDC.
23 October 2015	Transferred to Yongah Hill IDC.

**Recent visa applications/case progression**

The Ombudsman's previous report (1002311) incorrectly reported that Mr X was on a removal pathway based on the summary information provided by the Department of Immigration and Border Protection (DIBP) in its 36-month review, dated 14 September 2015. In its subsequent 42-month review, dated 4 March 2016, DIBP confirmed that Mr X had lodged a valid Protection visa application and was not on a removal pathway.	
2 April 2015	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a Bridging visa.
21 April 2015	The Minister declined to intervene under s 195A.
21 January 2016	Protection visa application refused.
4 February 2016	Appealed to the Administrative Appeals Tribunal (AAT).
7 April 2016	AAT affirmed original decision.
12 May 2016	Requested judicial review by the Federal Circuit Court.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple physical health conditions, including a stomach bacterial infection and shoulder pain. IHMS further advised that Mr X did not receive treatment for any mental health concerns since its previous report to the Ombudsman.

**Other matters**

23 September 2016	Mr X lodged a complaint with the Ombudsman's office in relation to missing personal property which he advised had been held by Serco at Christmas Island IDC. This complaint remains ongoing.
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**Information provided by Mr X**

During a telephone conversation with Ombudsman staff on 27 January 2016 Mr X commented on information included in the Ombudsman's previous report (1002311).

Mr X advised that he had not declined further mental health support as reported by IHMS on 17 August 2015.

**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.