

REPORT (ABRIDGED) BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who remained in restricted immigration detention for a cumulative period of more than 66 months (five and a half years).¹

The first report 1026/12 was tabled in Parliament on 13 November 2013, the second report 1001151 was tabled in Parliament on 27 August 2014 and the third report 1001720 was tabled in Parliament on 3 June 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Stateless (claimed), born in Country A
Year of birth	1988
Ombudsman ID	1003388
Date of DIBP's reports	31 August 2015 and 28 February 2016

Recent detention history

28 April 2016	Granted a Bridging visa and released from restricted detention.
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Recent visa applications/case progression

23 July 2015	Mr X lodged a Safe Haven Enterprise visa (SHEV) application.
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Health and welfare

Mr X was provided with treatment for physical health issues including chest pain and lower back pain. He was also provided with treatment and counselling for ongoing detention fatigue.

Other matters

Mr X was interviewed by Ombudsman staff on 18 April 2015. He advised he had lodged a SHEV application because he would like to work or study in Australia and had recently signed a code of behaviour.²

He said detention conditions were not a concern for him but if he stays in detention any longer he would need to resume counselling. He advised he exercises and uses the internet but does not go on excursions anymore because of the reminders of what he is missing out on while held in detention.

¹ Mr X had previously been reported on in a 60-month report under s 486O of the *Migration Act 1958*. However due to changes in the reporting requirements under s 486N for time spent serving a custodial sentence, DIBP advised that he was deemed to have been in immigration detention for a period of 60-months as at 31 August 2015.

² Since 14 December 2013 all adult maritime arrivals must sign a Code of Behaviour before they can be considered for the grant of a Bridging visa. The Code of Behaviour was introduced to help ensure that maritime arrivals living in the community on Bridging visas are aware of community behavioural expectations and behave appropriately while in the Australian community.

Case status

Mr X's case has been found to engage Australia's *non-refoulement* obligations under an International Treaties Obligations Assessment. At the time of DIBP's review Mr X was awaiting the outcome of his SHEV application.

Mr X was granted a Bridging visa on 28 April 2016 and released from immigration detention.