

REPORT 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 has remained in restricted immigration detention for more than 54 months (four and a half years).

The first report 1001429 was tabled in Parliament on 18 June 2014, the second report 1001732 was tabled in Parliament on 11 February 2015 and the third report 1002209 was tabled in Parliament on 2 March 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1000934-O
Date of DIBP's reports	15 January 2016 and 13 July 2016
Total days in detention	1637 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002209), Mr X has remained at Facility C.

Recent visa applications/case progression

22 September 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a Safe Haven Enterprise visa (SHEV) application.
25 September 2015	The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a SHEV application.
7 March 2016	Mr X attended an interview in relation to his family's Temporary Protection visa (TPV) application.
4 April 2016	Found to meet the guidelines for referral to the Minister under s 195A for the grant of a Bridging visa. DIBP advised that it is currently preparing a ministerial submission under s 195A.
13 July 2016	DIBP advised that Mr X is a person of interest to an external agency, however the external agency advised that it did not oppose granting Mr X a Bridging visa.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to attend torture and trauma counselling and attended mental health reviews. In December 2015 he presented with symptoms of anxiety and requested a referral for alternative counselling. In May 2016 a psychologist reported that he presented with symptoms of a major depressive disorder and recommended he continue to receive psychological counselling.

IHMS further advised that Mr X continued to receive treatment for multiple physical health concerns including cardiovascular and epigastric conditions.

Other matters

Mr X's wife, Ms Y, and their children, Master Z and Master Q currently reside in the community on Bridging visas.

Mr X's brother, Mr R, currently resides in the community on a permanent visa.

Ombudsman assessment/recommendation

Mr X lodged a TPV application on 19 June 2015 and is currently awaiting the outcome.

On 22 September 2015 the Minister lifted the bar under s 46A to allow Mr X to lodge a SHEV application and on 25 September 2015 DIBP invited him to apply.

The Ombudsman notes advice from DIBP that it is currently preparing a ministerial submission under s 195A for consideration to grant Mr X a Bridging visa. The Ombudsman notes with concern that Mr X has remained in restricted detention for more than four and a half years and continues to be separated from Ms Y and their two children who were granted Bridging visas and released from detention.

The Ombudsman recommends that DIBP expedite the resolution of Mr X's immigration status so that he can be reunited with his family in the community.