

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 remained in immigration detention for more than 60 months (five years).

The first report 1001241 was tabled in Parliament on 5 March 2014, the second report 1001495 was tabled in Parliament on 11 February 2015 and the third report 1002373 was tabled in Parliament on 21 October 2015. 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	1977
Ombudsman ID	1003445
Date of DIBP's reports	25 September 2015, 25 March 2016 and 24 September 2016
Total days in detention	1822 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002373), Mr X remained in community detention.	
19 October 2016	Granted a Bridging visa and released from detention.

Recent visa applications/case progression

27 August 2015	DIBP commenced reassessment of Mr X's Protection Obligations Evaluation (POE) following remittal of his case from the Federal Circuit Court.
30 November 2015	POE found Mr X's case engaged Australia's protection obligations.
9 December 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.
5 January 2016	DIBP invited Mr X to apply for a temporary visa.
15 April 2016	Mr X lodged a Safe Haven Enterprise visa (SHEV) application which included his wife, Ms Y and daughters, Miss Z and Miss Q. ¹
2 August 2016	Mr X's case was referred on a first stage submission under s 195A for the grant of a Bridging visa.
9 September 2016	The Minister agreed to consider Mr X's case on a second stage submission under s 195A.
19 October 2016	Granted a Bridging visa.

¹ Ms Y, Miss Z and Miss Q were granted Bridging visas with associated Temporary Humanitarian Stay visas on 2 July 2015 and released from immigration detention.

Health and welfare

International Health and Medical Services (IHMS) reported that Mr X was prescribed with pain relief medication for back pain and was monitored by a general practitioner (GP). He was diagnosed with shingles in April 2016 after presenting with a painful rash on his right shoulder. He completed a course of treatment and his condition resolved.

IHMS advised that he presented with stress and anxiety in September 2015 and was counselled by the GP.

Other matters

22 September 2015	DIBP advised that Mr X's daughters were placed in his care following a decline in his wife's mental health.
25 March 2016	DIBP advised that a shared care arrangement commenced between Mr X and Ms Y. Mr X had care of his daughters on Wednesdays and Sundays.
24 September 2016	DIBP advised that Mr X temporarily resided with his wife and two daughters at another address because Ms Y was unable to care for their daughters because of her mental health issues.

Case status

Mr X has been found to engage Australia's protection obligations.

On 9 December 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 15 April 2016 Mr X lodged a SHEV application which included his wife and daughters as a family unit.

Mr X was granted a Bridging visa on 19 October 2016 and released from immigration detention.