

**REPORT BY THE COMMONWEALTH AND  
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

*Under s 486O of the Migration Act 1958*

This is the fifth s 486O report on Mr X who has remained in immigration detention for more than 78 months (six and a half years). The previous reports are

977/12 tabled in Parliament on 26 June 2013

1001150 tabled in Parliament on 12 February 2014

1001437 tabled in Parliament on 13 May 2015

1002222 tabled in Parliament on 10 February 2016.

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, born in Country B
<b>Year of birth</b>	1982
<b>Ombudsman ID</b>	1000142-O
<b>Date of DIBP's reports</b>	27 January 2016 and 27 July 2016
<b>Total days in detention</b>	2368 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1002222), Mr X has remained in community detention with family members, including his claimed wife, two daughters and brother.	
4 March 2016	Mr X changed his community detention address without seeking prior approval. The Department of Immigration and Border Protection (the department) issued him a warning letter on 29 March 2016.

**Recent visa applications/case progression**

19 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.
26 August 2015	The department invited Mr X to apply for a temporary visa.
14 December 2015	Lodged a Safe Haven Enterprise visa (SHEV) application.
27 January 2016	The department advised that reassessment of Mr X's protection claims has commenced, however a character assessment will not be conducted until the security assessment by an external agency is finalised. The department further advised that Mr X will not be considered for a Bridging visa while the security assessment remains ongoing.
27 July 2016	The department advised Mr X's security assessment remains outstanding.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X was referred to phototherapy for treatment of a skin condition, and to an orthopaedic specialist to review knee surgery that had been completed in March 2013, and awaits appointments for both referrals.

IHMS further advised that Mr X reported anxiety, stress, insomnia, and memory loss in relation to his prolonged immigration status in September 2015 and was referred to a psychologist.

**Other matters**

13 October 2015	The department advised that Mr X's claimed wife and daughters' permanent residency was cancelled under s 109. They were granted Bridging visas while awaiting the outcome of a new application for protection lodged on 16 October 2015.
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**Ombudsman assessment/recommendation**

Mr X was found to be owed protection under the Refugee Convention on 20 April 2011 but has remained in immigration detention while awaiting the outcome of his security assessment by an external agency. On 19 August 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 14 December 2015 Mr X lodged a SHEV application.

The Ombudsman notes that Mr X's security assessment was initially referred to an external agency in May 2011 and this referral was withdrawn in August 2013 following new information concerning his identity.

The Ombudsman further notes that Mr X has continued to await the resolution of a security assessment for an extended period. Given the department's advice that Mr X's character assessment will not be conducted until his security assessment is finalised, the Ombudsman recommends that the Minister enquire about the status of Mr X's security assessment.