

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

*Under s 486O of the Migration Act 1958*

This is the second s 486O report on Mr X who has remained in immigration detention for a cumulative period of more than 36 months (three years).

The first report 1477/13 was tabled in Parliament on 13 November 2013. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1983
<b>Ombudsman ID</b>	1003458
<b>Date of DIBP's reports</b>	27 September 2015 and 29 March 2016
<b>Total days in detention</b>	1096 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1477/13), Mr X remained in community detention.	
9 April 2013	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from detention.
14 April 2015	Re-detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Adelaide Immigration Transit Accommodation.
29 April 2015	Transferred to Yongah Hill Immigration Detention Centre (IDC).
28 October 2015	Transferred to Christmas Island IDC.

### Recent visa applications/case progression

9 April 2013	Granted a Bridging visa with an associated THS visa valid until 9 July 2013.
9 July 2013	Mr X remained in the community as an unlawful non-citizen following the expiry of his Bridging visa.
18 July 2013 – 7 October 2014	Mr X was granted three Bridging visas. The third Bridging visa was valid until 18 November 2014.
18 November 2014	Mr X remained in the community as an unlawful non-citizen following the expiry of his Bridging visa.
14 April 2015	Mr X presented to the Department of Immigration and Border Protection (DIBP) and was re-detained under s 189(1).
26 May 2015	Found not to meet the guidelines for referral to the Minister under s 46A.
11 November 2015	Found to meet the guidelines for referral to the Minister under s 195A after he claimed to be the father of an Australian citizen child.

6 January 2016	An investigation found that Mr X was not the father of the child as claimed and therefore, he was found to no longer meet the guidelines for referral to the Minister under s 195A.
29 March 2016	DIBP advised that Mr X has been found not to be owed protection under the Refugee Convention and has no ongoing matters before DIBP or the courts and is on a removal pathway.

### **Criminal history**

24 March 2015	Mr X received a two-month suspended sentence after driving while disqualified and providing false personal details.
12 August 2015	Mr X was subject to an investigation by the South Australia (SA) Police for allegedly intimidating a witness. The SA Police subsequently withdrew the charges and the matter was closed.

### **Health and welfare**

<p>International Health and Medical Services (IHMS) advised that Mr X is on a waiting list to see an ear, nose and throat specialist for symptoms related to an injury sustained prior to his detention.</p> <p>IHMS also advised that Mr X has a history of drug and alcohol abuse, which was monitored on his return to detention. On 14 April 2015 IHMS reported no exacerbation of any health concerns relating to drug and alcohol abuse.</p>
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### **Case status**

Mr X has been found not to be owed protection under the Refugee Convention. He has no matters before DIBP or the courts and is on a removal pathway.
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