

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 restricted immigration detention for a cumulative period of more than 36 months (three years).

The first report 1002924 was tabled in Parliament on 15 April 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1991
Ombudsman ID	1001698-O
Date of DIBP's report	7 July 2016
Total days in detention	1097 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002924), ¹ Mr X has remained at Wickham Point Alternative Place of Detention.	
16 April 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Mr X was part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A of the <i>Migration Act 1958</i> .	
18 April 2016	The Minister lifted the bars under ss 46A and 46B to allow Mr X to lodge a temporary visa application.
21 April 2015	Mr X was notified that he is eligible to receive the Primary Application Information Service to assist him with lodging a temporary visa application. He declined the offer on 28 April 2016.
5 May 2016	DIBP invited Mr X to lodge a temporary visa application.

Criminal history

11 May 2016	Mr X was convicted of taking part in an unlawful assembly and a conditional release order to be of good behaviour for six months was imposed. He applied for and was granted a spent conviction order.
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¹ DIBP's 30-month review dated 6 January 2016 stated that Mr X was detained under s 189(1), based on this information the Ombudsman's office previously reported that Mr X had arrived as a 'direct entry person' and was not subject to the s 46A bar. DIBP's 36-month review dated 7 July 2016 confirmed that although Mr X was detained under s 189(1), he had not arrived as a 'direct entry person' and was subject to the s 46A bar.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues.

Case status

Mr X was detained on 22 April 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Lambeth* and has been held in restricted detention for a cumulative period of over three years.

On 18 April 2016 the Minister lifted the bars under ss 46A and 46B to allow Mr X to apply for a temporary visa and on 5 May 2016 DIBP invited Mr X to apply.