

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

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X who has remained in restricted immigration detention for more than 48 months (four years).

The first report 1002017 was tabled in Parliament on 12 August 2015 and the second report 1002857 was tabled in Parliament on 31 August 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	1976
Ombudsman ID	1001645-O
Date of DIBP's reports	13 May 2016 and 10 November 2016
Total days in detention	1458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002857), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
16 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

27 January 2016	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa. The Minister declined to intervene on 2 March 2016.
16 February 2016	Mr X was notified that he is eligible to receive the Primary Application Information Service (PAIS) to assist him with lodging a new temporary visa application or providing supporting information for his existing Safe Haven Enterprise visa (SHEV) application. He accepted the offer on 22 April 2016 and was assigned a PAIS provider.
11 July 2016	SHEV application refused.
14 July 2016	Mr X's case was referred to the Immigration Assessment Authority (IAA) for review.
22 September 2016	The IAA affirmed the decision to refuse Mr X's SHEV application.
18 October 2016	Requested judicial review by the Federal Circuit Court (FCC).

Health and welfare

International Health and Medical Services (IHMS) advised that in July 2016 Mr X presented with situational stress as a result of the passing of his mother and the refusal of his protection visa. Mr X did not require medication therapy to alleviate his symptoms. Mr X continues to be monitored by the IHMS mental health team.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 18 April 2016 Mr X advised that he had lodged a SHEV application and was awaiting an interview. He questioned DIBP's request for identity documents as he said he had already provided them and expressed concern at the level of violence at Wickham Point APOD. He also advised that he continued to have regular telephone contact with his family overseas.

Case status

Mr X was detained on 13 November 2012 after arriving in Australia by sea and has been held in restricted detention for more than four years.

Mr X's SHEV application was refused on 11 July 2016.

The IAA reviewed the decision and on 22 September 2016 affirmed the refusal of Mr X's SHEV application. Mr X requested judicial review by the FCC on 18 October 2016.

At the time of DIBP's latest review Mr X was awaiting the outcome of judicial review.