

REPORT (ABRIDGED) 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 restricted immigration detention more than 60 months (five years).

The first report 1569/13 was tabled in Parliament on 4 December 2013, the second report 1001343 was tabled in Parliament on 1 October 2014 and the third report 1002042 was tabled in Parliament on 27 May 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	1978
Ombudsman ID	1002541
Date of DIBP's reports	26 May 2015 and 16 November 2015

Recent detention history

22 December 2015	Granted a Bridging visa and released from restricted detention.
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Recent visa applications/case progression

17 August 2015	The Department of Immigration and Border Protection (DIBP) advised that an International Treaties Obligations Assessment found that Mr X's case engaged Australia's <i>non-refoulement</i> obligations.
11 November 2015	The Minister declined to intervene to lift the bar under s 46A of the <i>Migration Act 1958</i> .

Health and welfare

Mr X was provided with treatment and counselling for a range of mental health issues including a history of torture and trauma, depression, anxiety and an adjustment disorder.

DIBP advised that Mr X had a significant history of suicide attempts and self-harm.

Ombudsman assessment/recommendation

Mr X was granted a Bridging visa on 22 December 2015 and released from immigration detention.

On 17 August 2015 an ITOA found that Mr X's case engaged Australia's *non-refoulement* obligations. However, on 11 November 2015 the Minister declined to lift the bar under s 46A. The Ombudsman notes that at the time of DIBP's review Mr X remained subject to the bar and processing of his claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X's protection claims commence as soon as possible.