

REPORT 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 has remained in immigration detention for more than 66 months (five and a half years).

The first report 1000911 was tabled in Parliament on 4 December 2013, the second report 1001354 was tabled in Parliament on 29 October 2014 and the third report 1002047 was tabled in Parliament on 25 November 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	1963
Ombudsman ID	1000741-O
Date of DIBP's reports	30 November 2015 and 30 May 2016
Total days in detention	2006 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002047), Mr X has remained in community detention.

Recent visa applications/case progression

6 January 2016	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.
15 January 2016	The Department of Immigration and Border Protection (DIBP) invited Mr X to lodge a temporary visa application.
30 May 2016	DIBP advised that Mr X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the ITOA process was procedurally unfair. The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair. ²

Health and welfare

International Health and Medical Services advised that Mr X received treatment for a range of physical health conditions including chronic back pain and gastric issues.

Case status

Mr X was detained on 2 December 2010 after arriving in Australia aboard Suspected Illegal Entry Vessel *Baines* and has been held in detention for over five and a half years.

On 6 January 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 15 January 2016 DIBP invited Mr X to apply.

¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

² *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.