

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 remained in restricted immigration detention for a cumulative period of more than 48 months (four years).

The first report 1001569 was tabled in Parliament on 25 February 2015 and the second report 1002033¹ was tabled in Parliament on 9 September 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	1986
Ombudsman ID	1000982-O
Date of DIBP's reports	17 November 2015 and 17 May 2016
Total days in detention	1458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002033), Mr X has remained at Wickham Point Alternative Place of Detention.	
19 October 2016	Granted a Bridging visa and released from detention.

Recent visa applications/case progression

17 May 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ² which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair. The Minister appealed the FFC decision and on 27 July 2016 the High Court (HC) found that the ITOA process was not procedurally unfair. ³ DIBP advised that it is considering the implications of this judgment.
19 October 2016	Granted a Bridging visa.

Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues during the last two reporting periods from 29 May 2015 to 12 April 2016.

¹ The Ombudsman's previous report incorrectly stated that Mr X had remained in immigration detention for 30 months at the date of DIBP's latest report. Mr X had in fact remained in detention for 36 months.

² *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

³ *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.

Other matters

Mr X's partner, Ms Y, has been granted a Protection visa and currently resides in the community.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. His case is affected by the HC judgment of 27 July 2016 and DIBP advised that it is considering the implications of this judgment.

On 19 October 2016 Mr X was granted a Bridging visa and released from detention.