

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

The first report 1003492 was tabled in Parliament on 31 August 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	1980
Ombudsman ID	1002185-O
Date of DIBP's reports	4 April 2016 and 3 October 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003492), Mr X and his family ¹ remained at Wickham Point Alternative Place of Detention.	
31 March 2016	Transferred to community detention.

Recent visa applications/case progression

Mr X arrived in Australia by sea between 13 August 2012 and 19 July 2013. He was transferred to a Regional Processing Centre and subsequently returned to immigration detention in Australia. Prior to being classified as a 'fast track' applicant, Mr X was part of a cohort who were unable to have their protection claims assessed as they were subject to bars under ss 46A and 46B of the of the <i>Migration Act 1958</i> .	
18 March 2016	The Minister intervened under s 197AB to allow Mr X and his family to reside in community detention.
4 April 2016	The Department of Immigration and Border Protection (the department) advised that Mr X was previously a person of interest in relation to alleged people smuggling activities.
7 September 2016	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.

Health and welfare

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

¹ Mr X's wife, Ms Y is the subject of Ombudsman report 1001304-O.

Mr X and Ms Y's son, Master Z was born in Australia in April 2015. He has been in detention for less than two years and is not subject to reporting under s 486N.

Case status

Mr X was detained on 17 March 2013 after arriving in Australia by sea and has been held in detention for a cumulative period of more than three years.

On 7 September 2016 the Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application. At the time of the department's latest report Mr X had not yet lodged an application.