

**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 restricted immigration detention for more than 42 months (three and a half years).

The first report 1002827 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.

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| Name | Mr X |
| Citizenship | Country A |
| Year of birth | 1983 |
| Ombudsman ID | 1001616-O |
| Date of DIBP's reports | 20 June 2016 and 19 December 2016 |
| Total days in detention | 1276 (at date of DIBP's latest report) |

Recent detention history

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| Since the Ombudsman's previous report (1002827), Mr X has remained at Yongah Hill Immigration Detention Centre. |
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Recent visa applications/case progression

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| 20 June 2016 | The Department of Immigration and Border Protection (the department) 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 International Treaties Obligations Assessment (ITOA) process was procedurally unfair. |
| 27 July 2016 | The Minister appealed the FFC decision and the High Court found that the ITOA process was not procedurally unfair. ² |
| 16 August 2016 | The Federal Circuit Court (FCC) listed Mr X's judicial review of his negative ITOA for 15 November 2016. |
| 27 October 2016 | The FCC re-listed Mr X's final hearing on 20 February 2017. |
| 24 November 2016 | Mr X lodged a Bridging visa application. |
| 28 November 2016 | Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for consideration of a Bridging visa. |
| 19 December 2016 | The department advised that it continues to consider the resolution of Mr X's immigration status. |

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.

Health and welfare

International Health and Medical Services advised that Mr X completed a course of treatment for hepatitis C and does not require further specialist review. He continues to attend annual blood tests to monitor his condition.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of the department's review he was awaiting the outcome of judicial review.