

## 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 36 months (three years).

The first report 1002341 was tabled in Parliament on 14 September 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1979
<b>Ombudsman ID</b>	1003389
<b>Date of DIBP's reports</b>	4 September 2015 and 3 March 2016
<b>Total days in detention</b>	1096 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1002341), Mr X remained at Yongah Hill Immigration Detention Centre.	
31 July 2015	Transferred to Wickham Point Alternative Place of Detention.

### Recent visa applications/case progression

20 April 2015	The Department of Immigration and Border Protection (DIBP) advised that following legislative amendment, Mr X is only eligible for a temporary visa.
4 May 2015	The Federal Circuit Court (FCC) remitted Mr X's case to the Refugee Review Tribunal (RRT) with a direction to set aside DIBP's decision and substitute a new decision.
15 October 2015	The Administrative Appeals Tribunal (AAT) <sup>1</sup> affirmed DIBP's original decision.
16 December 2015	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
19 January 2016	Requested judicial review of the AAT's decision by the FCC. A hearing is scheduled for 21 September 2016.

### Health and welfare

International Health and Medical Services advised that Mr X has been diagnosed with an adjustment disorder and depressed mood. He was prescribed with antidepressant medication, which he declined to take and he continues to suffer from sleeping difficulties, ruminating thoughts and frustration at his inability to assist his family due to his current situation. He was monitored by the mental health team and supported by a general practitioner and a psychologist.	
15 – 23 December 2015	Mr X refused food and fluid as a form of protest.

<sup>1</sup> On 1 July 2015 the Migration Review Tribunal and RRT were merged into the AAT.

**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 DIBP's latest review Mr X was awaiting the outcome of judicial review.