

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 X¹ who has remained in restricted immigration detention for more than 42 months (three and a half years).

The first report 1002096 was tabled in Parliament on 27 May 2015. 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	1987
Ombudsman ID	1002688
Date of DIBP's reports	23 June 2015, 6 December 2015 and 8 June 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002096), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
31 July 2015	Transferred to Wickham Point Alternative Place of Detention.
11 May 2016	Transferred to Facility B.

Recent visa applications/case progression

9 December 2014	The National Security and Serious Crime Reporting Team advised that Mr X was no longer considered a person of interest.
12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering his protection claims.
26 May 2015	Protection visa application refused.
16 June 2015	Appealed to the Refugee Review Tribunal (RRT).
31 July 2015	The Administrative Appeals Tribunal (AAT) ³ determined that following legislative amendment, Mr X's Protection visa application was converted to a Temporary Protection visa (TPV) application. The AAT set aside DIBP's decision and substituted a decision to refuse Mr X's TPV application.

¹ On 23 June 2015 DIBP advised Mr X had previously been reported on under an alias, Mr Y.

² In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

³ On 1 July 2015 the Migration Review Tribunal and RRT were merged into the AAT.

15 October 2015	Requested judicial review by the Federal Circuit Court (FCC).
9 November 2015	Found not to meet the guidelines for referral to the former Minister under s 195A of the <i>Migration Act 1958</i> .
17 December 2015	The FCC remitted the case after finding that the AAT decision was affected by jurisdictional error.
18 December 2015	AAT commenced a review and reaffirmed the original decision on 25 February 2016.
2 March 2016	The Minister declined to intervene under s 195A.
13 May 2016	DIBP advised that Mr X's case was found to meet the guidelines for involuntary removal from Australia.
21 April 2016	Mr X's case was referred on a ministerial submission for consideration under s 197AB for a community detention placement.
8 June 2016	DIBP advised that it is progressing Mr X's involuntary removal from Australia.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to receive counselling from the mental health team (MHT) and a psychiatrist for symptoms of situational stress, anxiety, depression and insomnia. The psychiatrist reported that Mr X's mental health concerns are related to his prolonged detention and he was prescribed with antidepressant medication.	
16 December 2015 – 22 December 2015	Mr X was closely monitored by IHMS and the MHT after refusing food and fluid as a form of protest.
25 February 2016 – 3 March 2016	Mr X was placed on high Supportive Monitoring and Engagement observations and reviewed by a psychiatrist following news of the death of his father and reported incidents of self-harm.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. On 8 June 2016 DIBP advised that it is progressing Mr X's involuntary removal from Australia.
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