

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 1002213 was tabled in Parliament on 3 June 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	1973
Ombudsman ID	1003039
Date of DIBP's reports	13 July 2015, 12 January 2016 and 13 July 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002213), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
28 March 2015	Transferred to Christmas Island IDC.
16 August 2015	Transferred to Yongah Hill IDC.
9 October 2015	Transferred to Christmas Island IDC.
17 February 2016	Transferred to Perth IDC.

Recent visa applications/case progression

31 March 2015	The Department of Immigration and Border Protection (DIBP) finalised an International Treaties Obligations Assessment (ITOA), determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
16 April 2015	Mr X requested judicial review of the ITOA by the Federal Circuit Court (FCC).
13 July 2015	DIBP advised that Mr X is no longer a person of interest to the National Security and Serious Crimes Reporting Team.
28 July 2015	Country A reissued Mr X with a travel document, valid until 28 January 2016.
12 January 2016	DIBP advised that Mr X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the ITOA process was procedurally unfair. The FCC adjourned the review of Mr X's ITOA pending the outcome of any appeal against the FFC's decision.
13 July 2016	DIBP advised that Mr X is a person of interest in relation to criminal matters in Australia.

¹ SZSSJ v Minister for Immigration and Border Protection [2015] FCAFC 125.

27 July 2016

The Minister appealed the FFC decision and the High Court found that the ITOA process was not procedurally unfair.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for a range of significant physical health conditions including chronic back pain, epigastric pain and hepatitis C.

In April 2016 he was diagnosed with ischemic heart disease after presenting with chest pain. Mr X underwent further investigative testing and was prescribed with medication to manage the condition.

Mr X also continued to be monitored for a history of drug induced psychosis, for which he is prescribed with antipsychotic medication. IHMS advised that his bipolar disorder is in remission, but in March 2016 he was reviewed by a psychiatrist who diagnosed him with an adjustment disorder. Mr X also experienced ongoing insomnia and was referred to a specialist for a sleep study investigation.

Recent detention incidents

DIBP Incident Reports recorded that Mr X was allegedly involved in multiple minor behavioural incidents, including displaying abusive, aggressive and disruptive behaviour and causing minor damage to property.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He is awaiting the outcome of judicial review.