

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X who has remained in restricted immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1979
Ombudsman ID	1002433-O
Date of DIBP's reports	23 June 2016 and 21 December 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

24 June 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving in Australia as an irregular air arrival using false travel documents. Mr X was held at Melbourne airport overnight and transferred to Villawood Immigration Detention Centre (IDC) the following day.
13 November 2014	Transferred to Wickham Point Alternative Place of Detention.
30 June 2016	Transferred to Yongah Hill IDC.

Visa applications/case progression

11 July 2014	Lodged a Protection visa application.
23 June 2016	The Department of Immigration and Border Protection (the department) advised that Mr X was previously a person of interest following criminal charges that were later dismissed.
13 July 2016	Protection visa application refused.
15 July 2016	Appealed to the Administrative Appeals Tribunal (AAT).
5 September 2016 and 16 November 2016	Lodged Bridging visa applications which were deemed invalid.
6 October 2016	AAT affirmed original decision.
14 October 2016	Requested judicial review by the Federal Circuit Court (FCC).
6 December 2016	Mr X's case was identified for assessment against the guidelines for referral to the Minister for consideration under s 195A for the grant of a Bridging visa.
7 December 2016	FCC listed Mr X's case for final hearing on 22 February 2017.
19 December 2016	Found not to meet the guidelines for referral to the Minister under s 195A.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was reviewed by an ear, nose and throat specialist following breathing difficulties with no treatment required. He was referred for specialist review after an ultrasound identified he had a hernia. Mr X asked for the referral to be cancelled two weeks later.

IHMS further advised that Mr X engages with the mental health team for counselling and presented with low mood and distress in relation to his prolonged detention.

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 latest review he was awaiting the outcome of judicial review.