

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

*Under s 486O of the Migration Act 1958*

This is the third 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 1001925 was tabled in Parliament on 27 May 2015 and the second report 1002395 was tabled in Parliament on 25 November 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1983
<b>Ombudsman ID</b>	1003478
<b>Date of DIBP's reports</b>	6 October 2015 and 3 April 2016
<b>Total days in detention</b>	1276 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1002395), Mr X remained at Villawood Immigration Detention Centre (IDC).	
13 August 2015	Transferred to Christmas Island IDC.
3 December 2015	Transferred to Yongah Hill IDC.

**Recent visa applications/case progression**

19 June 2015	The High Court (HC) refused Mr X's application for special leave to appeal the Full Federal Court's (FFC) decision to affirm his Protection visa refusal.
29 June 2015	Mr X filed a notice of discontinuance with the Federal Circuit Court in relation to his application for an injunction to prevent his removal from Australia.
25 August 2015 and 16 September 2015	Lodged two Bridging visa applications, which DIBP advised were invalid.
6 October 2015	DIBP advised that Mr X's case is affected by the judgment handed down on 2 September 2015 by the FFC <sup>1</sup> which found that the International Treaties Obligations Assessment (ITOA) process conducted in relation to the privacy breach <sup>2</sup> was procedurally unfair.
21 March 2016	The Minister filed a notice in the HC to appeal the FFC's decision.
3 April 2016	DIBP advised that Mr X's request for ministerial intervention under s 48B of the <i>Migration Act 1958</i> , dated 9 October 2014, remains ongoing.

<sup>1</sup> *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

<sup>2</sup> 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.

27 July 2016	The HC found that the ITOA process was not procedurally unfair.
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**Health and welfare**

International Health and Medical Services (IHMS) reported that Mr X continued to be monitored for mental health issues related to an adjustment disorder with depression and anxiety. In September 2015 Mr X advised the general practitioner that he felt well enough to cease antidepressant medication but agreed to continue seeing a psychologist. IHMS advised that he has continued to receive support from the mental health team and has self-referred. No acute mental health symptoms were noted.

**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 an ITOA and a request for ministerial intervention lodged on 9 October 2014.