

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 48 months (four years).

The first report 1001867 was tabled in Parliament on 3 June 2015 and the second report 1002327 was tabled in Parliament on 3 February 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1001131-O
Date of DIBP's reports	10 September 2016
Total days in detention	1458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002327), Mr X remained at Wickham Point Alternative Place of Detention.	
30 June 2016	Transferred to Facility B.

Recent visa applications/case progression

15 March 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair.
27 July 2016	The Minister appealed the FFC decision and the High Court (HC) found that the ITOA process was not procedurally unfair. ² DIBP advised that it is considering the implications of this judgment. On the same day, Mr X lodged a Bridging visa application.
29 July 2016	Bridging visa application refused.
5 August 2016	Appealed to the Administrative Appeals Tribunal (AAT).
11 August 2016	AAT affirmed original decision.

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

² *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X presented with disturbed sleep and expressed frustration and anger related to situational stressors. He continues to be monitored by the mental health team and was advised to self-refer as required. On 8 August 2016 IHMS reported that it was assessing a referral for a psychiatric review and torture and trauma counselling.

IHMS further advised that Mr X received treatment for multiple physical health concerns, including recurrent skin infections and varicose veins. He was reviewed by a vascular surgeon and underwent a surgical procedure on 17 March 2016.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. His case is affected by the HC judgment of 27 July 2016 and DIBP advised that it is considering the implications of this judgment.