

**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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1983
<b>Ombudsman ID</b>	1002311-O
<b>Date of DIBP's reports</b>	12 February 2016 and 12 August 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

12 February 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Brisbane Immigration Transit Accommodation.
13 February 2014	Transferred to Villawood Immigration Detention Centre (IDC).
6 April 2014	Transferred to Yongah Hill IDC.

**Visa applications/case progression**

<p>Mr X arrived in Australia on 16 March 2008 as the holder on a Vocational Education and Training Sector (VETS) visa valid until 13 May 2010. Between 18 April 2008 and 3 September 2012 he was granted a range of visas including a further VETS visa and a Partner visa, with his last visa being valid until 10 October 2012.</p> <p>Mr X remained unlawfully in the community until 12 February 2014 when he presented himself to authorities and was detained under s 189(1).</p>	
6 March 2014	Lodged a Protection visa application.
28 March 2014	Protection visa application refused.
2 April 2014	Appealed to the Refugee Review Tribunal (RRT).
27 May 2014	RRT affirmed original decision.
2 June 2014	Found not to meet the guidelines for referral to the former Minister under s 417.
13 August 2014	Requested judicial review by the Federal Circuit Court (FCC). The FCC affirmed original decision on 5 February 2016.
11 February 2016	Lodged an appeal to the Federal Court (FC).
30 June 2016	Appeal to FC was dismissed.

4 July 2016	The Department of Immigration and Border Protection (DIBP) advised that as Mr X has no matters before DIBP, the courts or tribunals he is on a removal pathway.  Mr X declined to engage with normal removal planning procedures.
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### **Criminal history**

24 November 2011 – 18 December 2013	Mr X appeared before court on four occasions for a range of criminal offences with no convictions recorded.
17 January 2014	Mr X was convicted of contravention of a domestic violence order and fined \$1000.

### **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X received treatment for chronic headaches associated with a head injury sustained prior to his arrival in Australia. Additionally, he is subject to ongoing monitoring by IHMS and a gastroenterologist for treatment of hepatitis C.

IHMS further advised that Mr X receives psychological counselling for the management of depression and anxiety and has been prescribed with antidepressant medication.

### **Detention incidents**

19 December 2014	A DIBP Incident Report recorded that Mr X was involved in a physical altercation between multiple detainees.
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### **Other Matters**

5 March 2016	Mr X's Country A passport expired.
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### **Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no matters before DIBP, the courts or tribunals and has been referred for removal action.