

## **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 a cumulative period of more than 48 months (four years).

The first report 1002004 was tabled in Parliament on 13 May 2015 and the second report 1002500 was tabled in Parliament on 31 August 2016. 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>	1992
<b>Ombudsman ID</b>	1001173-O
<b>Date of DIBP's reports</b>	12 May 2016 and 6 November 2016
<b>Total days in detention</b>	1458 (at date of DIBP's latest report)

### **Recent detention history**

Since the Ombudsman's previous report (1002500), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
21 September 2016	Transferred to Christmas Island IDC.

### **Recent visa applications/case progression**

3 February 2016	The Full Federal Court (FFC) dismissed Mr X's application of 29 September 2015 for an extension of time and leave to appeal the Federal Circuit Court's (FCC) decision of 24 April 2013.
30 March 2016	Requested judicial review by the FCC of the Department of Immigration and Border Protection's (DIBP) negative International Treaties Obligations Assessment (ITOA) decision of 2 September 2015.
15 April 2016	The FCC adjourned Mr X's judicial review application of 30 March 2016 pending a decision by the High Court (HC) on the Minister's appeal from the FCC's decision of 2 September 2015. <sup>1</sup>
27 July 2016	The HC found that the ITOA process was not procedurally unfair. <sup>2</sup> DIBP advised that it is considering the implications of this judgment.
6 November 2016	DIBP advised it had identified Mr X for assessment against the guidelines under s 195A for the grant of Bridging visa.

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

<sup>2</sup> *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 had attended regular specialist counselling for a major depressive disorder and post-traumatic stress disorder for which he was prescribed with medication. Since April 2016 Mr X has declined mental health support services and IHMS advised that he continues to be prescribed with medication for treatment of his mental health conditions.

Mr X was also provided with physiotherapy and prescribed with pain-relief medication for chronic back pain.

### **Case status**

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in detention for a cumulative period of more than four years.

At the time of DIBP's latest review Mr X was awaiting the outcome of judicial review.