

# REPORT (ABRIDGED) BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

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

The first report 1002830 was tabled in Parliament on 10 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

|                              |                  |
|------------------------------|------------------|
| <b>Name</b>                  | Mr X             |
| <b>Citizenship</b>           | Country A        |
| <b>Year of birth</b>         | 1986             |
| <b>Ombudsman ID</b>          | 1001619-O        |
| <b>Date of DIBP's report</b> | 23 December 2015 |

## Recent detention history

|                  |   |
|------------------|---|
| 22 December 2015 | Granted a Bridging visa and released from restricted detention. |
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## Recent visa applications/case progression

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| The Department of Immigration and Border Protection advised that Mr X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC), which found that the International Treaties Obligation Assessment (ITOA) process undertaken by DIBP was procedurally unfair. |  |
| The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair.   |  |
| 6 October 2015   | Mr X sought judicial review of the ITOA finding that his case did not engage Australia's <i>non-refoulement</i> obligations. |

## Health and welfare

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| Mr X was provided with counselling for a range of mental health issues including an adjustment disorder. |
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## Case status

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| 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 judicial review. |
| Mr X was granted a Bridging visa on 22 December 2015 and released from immigration detention.   |