

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in immigration detention for more than 72 months (six years).

The first report 1424/13 was tabled in Parliament on 4 December 2013, the second report 1001380 was tabled in Parliament on 24 September 2014 and the third report 1002113 was tabled in Parliament on 12 August 2015. 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	1986
Ombudsman ID	1002728
Date of DIBP's reports	15 June 2015, 14 December 2015 and 14 June 2016
Total days in detention	2188 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002113), Mr X has remained in community detention.

Recent visa applications/case progression

9 December 2014	The Department of Immigration and Border Protection (DIBP) advised that it commenced an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of Mr X's case engage Australia's <i>non-refoulement</i> obligations. Mr X provided further information in relation to the ITOA on three occasions and attended an interview on 23 February 2015.
14 December 2015	DIBP advised that Mr X was scheduled for involuntary removal from Australia to Country A on 9 September 2015, however this was suspended as Mr X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the ITOA process was procedurally unfair.
21 March 2016	The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

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

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion.