

**REPORT (ABRIDGED) 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 remained in restricted immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1989
Ombudsman ID	1002223-O
Date of DIBP's reports	11 November 2015 and 11 May 2016

Detention history

11 November 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community.
3 June 2016	Granted a Bridging visa and released from restricted detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) 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 Obligations 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.	
30 June 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

Mr X was provided with treatment for knee pain.

Case status

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 3 June 2016 and released from immigration detention.