

**REPORT 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 1003399 was tabled in Parliament on 16 March 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>	1994
<b>Ombudsman ID</b>	1002132-O
<b>Date of DIBP's report</b>	3 March 2016
<b>Total days in detention</b>	912 (at date of DIBP's report)

**Recent detention history**

Since the Ombudsman's previous report (1003399), Mr X remained at Wickham Point Alternative Place of Detention.	
August 2016	Mr X was released from detention when he was involuntarily removed from Australia and returned to Country A.

**Recent visa applications/case progression**

8 October 2015	The Department of Immigration and Border Protection (DIBP) advised that Mr X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) <sup>1</sup> which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair.  The Federal Circuit Court adjourned the review of Mr X's ITOA pending the outcome of any appeal against the FFC's decision.
27 July 2016	The Minister appealed the FFC decision and the High Court (HC) found that the ITOA process was not procedurally unfair. <sup>2</sup>  DIBP advised that it is considering the implications of this judgment.
August 2016	Mr X was involuntarily removed from Australia.

**Health and welfare**

International Health and Medical Services advised that Mr X did not require treatment for any major physical or mental health issues.
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<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.

**Case status**

Mr X was involuntarily removed from Australia in August 2016 and returned to Country A.