

**REPORT 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1961
<b>Ombudsman ID</b>	1002258-O
<b>Date of DIBP's reports</b>	14 December 2015 and 13 June 2016
<b>Total days in detention</b>	914 (at date of DIBP's latest report)

**Detention history**

12 December 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Villawood Immigration Detention Centre the following day.
11 April 2014	Transferred to Wickham Point Alternative Place of Detention.
4 May 2016	Transferred to Melbourne Immigration Transit Accommodation.
June 2016	Mr X was released from detention when he was involuntarily removed from Australia.

**Visa applications/case progression**

16 August 2005	Mr X and his wife, Ms Y, arrived in Australia on Temporary Work (Skilled) visas.
27 March 2008	Mr X and Ms Y's visas were cancelled after the Department of Immigration and Citizenship was notified that Mr X's employment had ceased.
15 April 2008	Mr X appealed to the Migration Review Tribunal (MRT).
4 June 2008	Mr X and Ms Y were granted Bridging visas to regularise their status while they awaited the outcome of the MRT review.
25 July 2008	MRT affirmed original decision.
22 August 2008	Mr X and Ms Y remained unlawfully in the community as non-citizens following the expiry of their Bridging visas.
22 December 2010	They were granted Bridging visas on departure grounds.
5 January 2011	They remained unlawfully in the community as non-citizens following the expiry of their Bridging visas.
12 December 2013	The Department of Immigration and Border Protection (DIBP) advised they were located by authorities and detained under s 189(1).
24 December 2013	Mr X lodged a Protection visa application with an associated Bridging visa application. Ms Y was included as a dependant.

30 December 2013	Associated Bridging visa application refused.
4 February 2014	Protection visa application refused.
7 February 2014	Appealed to the Refugee Review Tribunal (RRT).
13 March 2014	DIBP notified Mr X and Ms Y of the unintentional release of personal information. <sup>1</sup>
2 June 2014 and 11 March 2015	Found not to meet the guidelines for referral to the former and current Minister under s 417.
3 June 2014	RRT affirmed original decision.
12 August 2014	Requested judicial review by the Federal Circuit Court (FCC).
10 December 2014	Ms Y signed a request for voluntary removal and departed Australia on 27 December 2014.
12 January 2015	The Minister withdrew from proceedings before the FCC and Mr X's case was remitted to the RRT.
3 March 2015	RRT affirmed original decision.
26 May 2015	Requested judicial review by the FCC.
3 July 2015 and 16 September 2015	Attended hearings before the FCC.
23 December 2015	The FCC dismissed Mr X's application. DIBP advised that as Mr X had no ongoing matters before DIBP, the courts or tribunals, he was referred for removal action.
7 June 2016	DIBP obtained a travel document for Mr X.
June 2016	Mr X was involuntarily removed from Australia.

### Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major mental health issues.	
5 May 2015 – 8 October 2015	Mr X received regular dental treatment for extensive teeth decay and severe periodontal disease.

### Other matters

15 June 2016	DIBP advised that Mr X lodged a complaint with the Office of the Australian Information Commissioner in relation to the data breach.
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### Case status

<p>Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review he had no ongoing matters before DIBP, the courts or tribunals.</p> <p>Mr X was involuntarily removed from Australia in June 2016.</p>
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<sup>1</sup> In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.