

**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 36 months (three years).

The first report 1002291-O was tabled in Parliament on 14 September 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>	1964
<b>Ombudsman ID</b>	1002291-O1
<b>Date of DIBP's reports</b>	14 July 2016 and 12 January 2016
<b>Total days in detention</b>	1094 (at date of DIBP's latest report)

**Recent detention history**

March 2017	Mr X was released from restricted detention when he voluntarily departed Australia.
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**Recent visa applications/case progression**

The Department of Immigration and Border Protection (the department) advised that Mr X's case was 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 the department was procedurally unfair. <sup>1</sup>	
The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair. <sup>2</sup>	
9 November 2015	The Federal Circuit Court adjourned the review of Mr X's ITOA pending the outcome of any appeal against the FFC's decision.  Mr X's application was listed for final hearing on 10 May 2017.

**Health and welfare**

Mr X was provided with treatment for physical health issues. He also received treatment and counselling for a range of mental health issues including low mood and insomnia.
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**Case status**

Mr X was released from restricted detention when he voluntarily departed Australia.
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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.