

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 has remained in restricted immigration detention for more than 36 months (three years).

The first report 1001714 was tabled in Parliament on 22 October 2014. This report updates the material in that report and should be read in conjunction with the previous report.

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| Name | Mr X |
| Citizenship | Country A (claimed) |
| Year of birth | 1984 |
| Ombudsman ID | 1002185 |
| Date of DIBP's reports | 12 January 2015 and 14 July 2015 |
| Total days in detention | 1,097 (at date of DIBP's latest report) |

Recent detention history

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| Since the Ombudsman's previous report (1001714) Mr X remained at Facility B. | |
| 9 January 2015 | Transferred to Facility C. |

Recent visa applications/case progression

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| 14 July 2014 | Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ¹ |
| August 2014 | The Refugee Review Tribunal (RRT) commenced a second merits review of DIBP's decision to refuse Mr X's application for a Protection visa. |
| 5 August 2014 | The former Minister withdrew from the appeal proceedings Mr X had commenced in the Federal Court (FC) against the decision of the Federal Circuit Court (FCC). The FC then remitted Mr X's Protection visa application to the RRT. |
| 31 October 2014 | Lodged an application for a Bridging visa. |
| 6 November 2014 | DIBP refused the Bridging visa application. |
| 10 November 2014 | Mr X appealed the Bridging visa refusal to the Migration Review Tribunal (MRT). |
| 18 November 2014 | The MRT affirmed the decision to refuse the Bridging visa application. |
| 10 March 2015 | The RRT again affirmed DIBP's decision to refuse Mr X's Protection visa application. |

¹ 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.

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| 13 March 2015 | Found not to meet the guidelines for referral to the Minister under s 417 of the <i>Migration Act 1958</i> . |
| 9 April 2015 | Requested judicial review by the FCC of the second RRT decision. A directions hearing was scheduled for 19 August 2015. |

Health and welfare

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| 20 November 2012 - ongoing | International Health and Medical Services (IHMS) reported that Mr X had advised the general practitioner that as a child he suffered from an infection which resulted in condition D. He had previously used E because of issue F, and his condition causes him residual pain in other parts of his body including his back and shoulder. IHMS advised that Mr X's condition is monitored by IHMS and he is provided with medication for intermittent pain. |
| April 2014 | Referred to a specialist for further evaluation. |
| 29 April 2014 | Attended an x-ray. No further information was provided. |
| May 2014 | Referred for physiotherapy. |
| 26 June 2014 | The specialist recommended K due to issues L and M. |
| 31 July 2014 | IHMS advised that Mr X was referred for physiotherapy in May 2014 and the referral was still pending. |
| 27 August 2014 | Attended a further appointment with the specialist. |
| 9 September 2014 | Attended x-rays to assess the level of condition O arising from condition D. |
| 7 November 2014 | Attended an appointment for K. |
| 11 February 2015 | Attended a physiotherapy appointment. |

Other matters

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| 12 January 2015 | DIBP advised that while Mr X has claimed he is a citizen of Country A, he holds a passport for another country. |
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Case status

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| Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. Mr X is awaiting the outcome of judicial review. |
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