

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 1003034 was tabled in Parliament on 10 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1991
Ombudsman ID	1001810-O
Date of DIBP's report	22 March 2016
Total days in detention	1094 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1003034), Mr X remained at Christmas Island Immigration Detention Centre (IDC).	
9 October 2015	Transferred to Wickham Point Alternative Place of Detention (APOD).

Recent visa applications/case progression

24 July 2015	Mr X's case was referred on a first stage submission for consideration under s 195A of the <i>Migration Act 1958</i> for the possible grant of a Bridging visa.
19 August 2015	The Minister declined to intervene under s 195A.
21 October 2015	The Administrative Appeals Tribunal (AAT) ¹ affirmed the decision to refuse Mr X's Protection visa application.
24 November 2015	Requested judicial review by the Federal Circuit Court. A hearing is scheduled for 24 August 2016.

Health and welfare

International Health and Medical Services advised that Mr X did not require treatment for any major physical or mental health issues since the Ombudsman's previous report. As of February 2016 he was still awaiting an audiologist appointment following a referral in April 2015.

¹ On 1 July 2015 the Migration Review Tribunal and Refugee Review Tribunal were merged into the AAT.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 19 April 2016 Mr X advised he has a hearing scheduled at the FFC in August 2016. He was aware that the Minister declined to grant him a visa last year.

Mr X advised the conditions at Wickham Point APOD are better than Christmas Island IDC and he has no concerns. He said he has been told he is not allowed to go on excursions and thinks it is because of security concerns but he does not understand why. Mr X said he would like to be able to attend Mass.

Mr X said some of his friends have been granted Bridging visas with work rights and he does not understand why he has not had a similar immigration pathway.

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.