

**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 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1987
Ombudsman ID	1002246-O
Date of DIBP's report	2 December 2015
Total days in detention	730 (at date of DIBP's report)

Detention history

2 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 (IDC).
8 April 2015	Transferred to Christmas Island IDC.
1 October 2015	Transferred to Yongah Hill IDC.
December 2015	Mr X was released from detention when he was voluntarily removed from Australia to Country A.

Visa applications/case progression

25 April 2009	Arrived in Australia on a Vocational Education and Training Sector (VETS) visa.
20 June 2009	Lawfully departed Australia.
5 July 2009 – 30 August 2011	Returned to Australia on a VETS visa. The Department of Immigration and Border Protection (DIBP) advised that he was issued with four non-compliance notices for breaching his visa conditions.
29 August 2011	Lodged a Protection visa application. He was granted a Bridging visa on the same day.
13 December 2011	Protection visa application refused.
21 December 2011	Appealed to the Refugee Review Tribunal (RRT).
15 June 2012	RRT affirmed original decision.
13 July 2012	Bridging visa ceased following the RRT decision and Mr X became an unlawful non-citizen.
17 August 2012	Granted a Bridging visa valid until 1 July 2013.
1 July 2013	Granted a Bridging visa on departure grounds.

17 July 2013	Requested judicial review by the Federal Circuit Court (FCC). He was granted a further Bridging visa in association with the request for judicial review.
24 September 2013	Mr X withdrew his request for judicial review by the FCC.
22 October 2013	Bridging visa ceased and Mr X became an unlawful non-citizen.
2 December 2013	Located and detained under s 189(1).
4 December 2013	Lodged a Combined Partner visa application.
9 December 2013 – 16 July 2015	DIBP advised that Mr X lodged multiple associated Bridging visa applications, all of which were refused. Mr X appealed these decisions to the Migration Review Tribunal (MRT) and all refusals were affirmed.
7 January 2014	Lodged a further associated Bridging visa application. The application was deemed invalid on the same day.
28 February 2014	Combined Partner visa application refused.
March 2014	DIBP notified Mr X of the unintentional release of personal information. ¹
4 March 2014	Appealed decision to refuse Combined Partner visa to the MRT.
17 March 2014	Lodged a second Protection visa application.
18 March 2014	Second Protection visa application was invalid as he was barred under ss 48A and 91P.
4 June 2014	MRT affirmed decision to refuse Combined Partner visa application.
26 June 2014	Lodged a third Protection visa application. DIBP advised that the application was barred under ss 48A and 91P.
11 July 2014	Requested judicial review of invalid Protection visa application. DIBP advised that Mr X subsequently withdrew this request.
15 July 2014	Mr X was invited to comment on the privacy breach. He provided a response on 23 July 2014.
7 August 2014	The decision to deem Mr X's Protection visa application invalid was affected by case law ² which resulted in his second Protection visa application being deemed valid. This triggered an application for an associated Bridging visa. On the same day DIBP notified Mr X of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.
11 August 2014	Associated Bridging visa application deemed invalid.

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.

² *SZRNI v Minister for Immigration* [2014] FCCA 782.

21 August 2014	Attended an interview in relation to the ITOA.
1 September 2014	Mr X responded to DIBP's invitation to comment on country and other information relevant to the ITOA.
3 September 2014	Second Bridging visa application refused.
17 September 2014	Protection visa application was refused. On the same day he appealed to the RRT.
5 December 2014	RRT affirmed original decision.
2 January 2015	Requested judicial review of RRT decision at the FCC.
21 July 2015	Mr X signed a request for voluntary removal.
2 September 2015	Mr X withdrew his request for judicial review by the FCC.
December 2015	Mr X voluntarily departed Australia.

Health and welfare

Mr X was provided with treatment and counselling for a range of physical and mental health issues including post-traumatic stress disorder and major depression.

Other matters

20 November 2015	DIBP was notified that Mr X had lodged a complaint with the Australian Human Rights Commission. DIBP advised the complaint was resolved and finalised on 26 November 2015.
------------------	--

Case status

Mr X voluntarily departed Australia in December 2015 and returned to Country A.