

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

The first report 1002367 was tabled in Parliament on 14 September 2015. 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	1989
Ombudsman ID	1003439
Date of DIBP's reports	21 September 2015 and 19 March 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002367), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
13 May 2016	Granted a Bridging visa and released from detention.

Recent visa applications/case progression

14 April 2015	The Department of Immigration and Border Protection (DIBP) finalised an International Treaties Obligations Assessment (ITOA), determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
6 May 2015	Requested judicial review by the Federal Circuit Court. DIBP advised that Mr X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the ITOA process was procedurally unfair.
21 March 2016	The Minister filed a notice in the High Court (HC) to appeal the FFC's decision.
13 May 2016	Granted a Bridging visa.

Health and welfare

March 2013	International Health and Medical Services (IHMS) advised that Mr X reported a history of childhood epilepsy.
22 September 2014	Transferred to hospital after experiencing a suspected seizure. A magnetic resonance imaging scan identified brain abnormalities and he was prescribed with medication. Mr X was referred for testing, however the tests were cancelled following his transfer to Yongah Hill IDC.

¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

23 April 2015 – 5 February 2016	IHMS advised that he did not experience any seizures or epileptic symptoms during this period.
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Other matters

17 April 2015	Mr X lodged a complaint with the Ombudsman’s office in relation to compensation for property lost during his transfer from Villawood IDC to Yongah Hill IDC. Following an investigation by the Ombudsman’s office, the complaint was finalised on 28 May 2015.
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Case status

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 was awaiting the outcome of judicial review.

Mr X’s case is also affected by the FFC’s judgment of 2 September 2015, which found that the ITOA process undertaken by DIBP was procedurally unfair. On 21 March 2016 the Minister filed a notice in the HC to appeal the FFC’s decision.

Mr X was granted a Bridging visa on 13 May 2016 and released from immigration detention.