

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who remained in immigration detention for a cumulative period of more than 60 months (five years).¹

The first report 1120/12 was tabled in Parliament on 13 November 2013, the second report 1001144 was tabled in Parliament on 28 May 2014 and the third report 1001869 was tabled in Parliament on 18 March 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1981
Ombudsman ID	1002324
Date of DIBP's reports	12 March 2015, 14 September 2015 and 15 March 2016
Total days in detention	1870 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001869), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
23 June 2016	Granted a Bridging visa and released from immigration detention.

Recent visa applications/case progression

28 July 2014	The Department of Immigration and Border Protection (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.
5 January 2016	DIBP finalised the ITOA, determining that Mr X's case engages Australia's <i>non-refoulement</i> obligations.

Health and welfare

International Health and Medical Services advised that Mr X received specialist treatment for a meniscal ligament tear in his knee and treatment and counselling for a chronic psychotic illness.

Other matters

9 September 2014	DIBP responded to the Australian Human Rights Commission's (AHRC) final view in relation to the complaint which AHRC had lodged on Mr X's behalf in 2012.
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¹ DIBP advised that the total days in detention recorded in Mr X's previous s 486N reports were incorrect due to time spent in correctional facilities. At the time of DIBP's latest report Mr X was reassessed to have been in immigration detention for a period of more than 60 months.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 18 June 2015 Mr X said that after more than five and half years in detention and prison he felt his life has been destroyed. He said he had contact with the mental health team about once a month but did not find the support very helpful. Mr X said he would like the opportunity to live in the community and work on a farm.

Case status

Mr X was found to be owed protection under the Refugee Convention on 6 January 2016 and on 23 June 2016 he was granted a Bridging visa and released from immigration detention.