

**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 a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1972
Ombudsman ID	1002276-O
Date of DIBP's reports	6 January 2016 and 5 July 2016
Total days in detention	914 (at date of DIBP's latest report)

Detention history

8 April 2011	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 239 <i>Eldon</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
8 April 2011	Transferred to Christmas Island Immigration Detention Centre.
3 March 2012	Transferred to Darwin Airport Lodge APOD.
12 April 2012	Granted a Bridging visa and released from detention.
8 January 2015	Re-detained under s 189(1) and transferred to Wickham Point APOD.
30 June 2016	Transferred to Melbourne Immigration Transit Accommodation.
21 September 2016	Granted a Bridging visa and released from detention.

Visa applications/case progression

20 July 2011	Protection Obligations Evaluation (POE) found he was not owed protection.
25 January 2012	Independent Protection Assessment (IPA) found he was not owed protection.
12 April 2012	Granted a Bridging visa. Mr X was subsequently granted a further four Bridging visas.
12 May 2012	Requested judicial review by the Federal Magistrates Court (FMC).
29 November 2012	The FMC found that the recommendation of the IPA was affected by legal error and remitted Mr X's case for reassessment under the POE process.
11 November 2013	Second POE found he was not owed protection.
18 November 2014	Bridging visa ceased and the Department of Immigration and Border Protection (DIBP) advised that Mr X became an unlawful non-citizen.

8 January 2015	Re-detained under s 189(1).
21 September 2016	Granted a Bridging visa.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received ongoing management, was provided specialist footwear and prescribed with pain relieving medication for bilateral plantar fasciitis. His podiatrist recommended he be reviewed by a neurology specialist. At the date of IHMS's latest report, prior to his release from detention, Mr X was awaiting notification of an appointment date.

IHMS further advised Mr X disclosed a history of torture and trauma, but declined an offer of specialist counselling.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and was held in restricted detention for more than two and a half years. He has no matters before DIBP, the courts or tribunals and is on a removal pathway.

Mr X was granted a Bridging visa on 21 September 2016 and released from immigration detention.