

**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 immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002357-O
Date of DIBP's reports	29 March 2016 and 27 September 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

20 February 2011	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 230 <i>Tange</i> . He was transferred to Christmas Island Immigration Detention Centre (IDC).
18 March 2011	Transferred to Christmas Island Alternative Place of Detention (APOD).
12 May 2011	Transferred to Curtin IDC.
22 May 2012	Granted a Bridging visa and released from immigration detention.
30 June 2015	Re-detained under s 189(1) following the expiry of his Bridging visa. He was transferred to Villawood IDC.
22 July 2015	Transferred to Christmas Island IDC.
9 October 2015	Transferred to Wickham Point APOD.
No date provided	Transferred to Yongah Hill IDC.
19 October 2016	Granted a Bridging visa and released from immigration detention.

Visa applications/case progression

6 July 2011	Protection Obligations Evaluation found he was not owed protection.
9 January 2012	Independent Protection Assessment found he was not owed protection.
14 March 2012	Requested judicial review by the Federal Magistrates Court (FMC). On 28 May 2014 the Federal Circuit Court (formerly the FMC) dismissed the review application.
22 May 2012	Mr X was granted multiple consecutive Bridging visas, the last of which was valid until 29 June 2015.

18 August 2014	The Department of Immigration and Border Protection (DIBP) advised that Mr X's case is affected by the Full Federal Court's (FFC) decision of 20 March 2013 ¹ and he will have his complementary protection claims reassessed as part of a new International Treaties Obligations Assessment (ITOA).
16 April 2015	DIBP finalised the ITOA, determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
30 June 2015	Mr X was re-detained following the expiry of his Bridging visa.
8 September 2016	DIBP advised that as Mr X has no matters before DIBP, the courts or tribunals, it has commenced action to progress his involuntary removal from Australia.
12 September 2016	Mr X declined to sign a request for voluntary removal.
19 October 2016	Granted a Bridging visa.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment and specialist counselling for post-traumatic stress disorder, depression, anxiety and a history of torture and trauma and self-harm.

IHMS further advised that Mr X received treatment for a gastroenterological condition.

Other matters

Mr X's brother, Mr Y, is an Australian citizen.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no matters before DIBP, the courts or tribunals and has been referred for removal action.

On 19 October 2016 Mr X was granted a Bridging visa and released from detention.

¹ *Minister for Immigration and Citizenship v SZQRB* [2013] FCAFC 33.