

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

The first report 1002409 was tabled in Parliament on 11 November 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1954
<b>Ombudsman ID</b>	1003484
<b>Date of DIBP's reports</b>	8 October 2015 and 6 April 2016
<b>Total days in detention</b>	1094 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1002409), Mr X remained at Maribyrnong Immigration Detention Centre (IDC).	
28 May 2015	Transferred to Christmas Island IDC.

**Recent visa applications/case progression**

The Department of Immigration and Border Protection (DIBP) previously advised in Mr X's 24-month review, dated 20 April 2015, that Mr X was found to be owed protection under the Refugee Convention on 17 December 2014 and this advice was recorded in the Ombudsman's first report.  DIBP advised in the 30-month review, dated 8 October 2015, that this information was incorrect and Mr X's Protection claims had not yet been finalised.	
20 March 2014	DIBP notified Mr X of the unintentional release of personal information <sup>1</sup> and advised that the privacy breach would be taken into account when considering his protection claims.
17 December 2014	DIBP commenced a reassessment of Mr X's Protection visa application following remittal from the Refugee Review Tribunal (RRT) with the direction that under the Refugee Convention, Australia has protection obligations to Mr X.
25 November 2015	Mr X received a Notice of Intention to Consider Refusal (NOICR) of his Protection visa application under s 501 of the <i>Migration Act 1958</i> and was invited to comment.
21 December 2015	Mr X's migration agent requested an extension of time to provide comment on the NOICR. DIBP advised that an extension was granted.
6 April 2016	DIBP advised that it was awaiting a response to the NOICR.

<sup>1</sup> 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.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X continued to be monitored and treated for a range of ongoing physical health issues including heart disease, hypertension, arthritis, type 2 diabetes and hepatitis C.

IHMS also advised that in December 2015 Mr X was provided with psychological counselling for ongoing stress but this has since resolved and no further review was required.

**Other matters**

7 November 2015	Mr X lodged a complaint with Ombudsman staff about DIBP's refusal to transfer him from Christmas Island IDC to a mainland detention centre.  Following an investigation, on 19 February 2016 the Ombudsman provided a better explanation to Mr X about DIBP's placement decisions and the complaint was closed.
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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.

DIBP advised it commenced reassessment of Mr X's Protection visa application following remittal from the RRT. On 25 November 2015 DIBP issued Mr X's migration agent with a NOICR of Mr X's Protection visa application under s 501 and invited comment. DIBP advised it is still awaiting a response.