

**REPORT (ABRIDGED) 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 more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1002306-O
Date of DIBP's report	1 February 2016

Detention history

31 January 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community.
30 June 2016	Granted a Bridging visa and released from restricted detention.

Visa applications/case progression

The Department of Immigration and Border Protection advised that Mr X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC), which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair. The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair.	
8 October 2008	Mr X arrived in Australia on a three-year Vocational Education and Training Sector visa. After his visa expired he remained in the community unlawfully until he was located by New South Wales Police on 31 January 2014 and detained.
14 February 2014 – ongoing	He lodged an unsuccessful application for protection and for multiple Bridging visa applications. Mr X is currently awaiting judicial review after exhausting tribunal appeal processes.

Health and welfare

Mr X was provided with treatment for a range of physical health issues including back pain and sleep disturbance.	
25 January 2015	A DIBP Incident Report recorded that Mr X self-harmed.
21 April 2015	He refused food and fluid as a form of protest.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He is awaiting the outcome of judicial review. Mr X was granted a Bridging visa on 30 June 2016 and released from immigration detention.	
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