

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 restricted immigration detention for more than 60 months (five years).

The first report 1001020 was tabled in Parliament on 11 December 2013, the second report 1001309 was tabled in Parliament on 22 October 2014 and the third report 1001994 was tabled in Parliament on 27 May 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	1989
Ombudsman ID	1002496
Date of DIBP's reports	18 May 2015, 5 November 2015 and 5 May 2016
Total days in detention	1822 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001994), Mr X remained at Yongah Hill Immigration Detention Centre.	
23 June 2016	Granted a Bridging visa and released from immigration detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Mr X was part of a cohort who had not had their protection claims assessed as they arrived in Australia and were subject to the bar under s 46A of the <i>Migration Act 1958</i> .	
12 January 2015	DIBP issued Mr X with a letter notifying him 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.
15 April 2015	DIBP finalised the ITOA, determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
24 April 2015	Requested judicial review by the Federal Circuit Court (FCC).
10 June 2015	Mr X filed a notice of discontinuance with the FCC.
12 October 2015	DIBP advised that Mr X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the ITOA process was procedurally unfair.
21 March 2016	The Minister appealed the FFC decision.

¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

13 April 2016	The Minister lifted the bar under ss 46A and 48B to allow Mr X to lodge a temporary visa application.
21 April 2016	DIBP invited Mr X to lodge a temporary visa application.
23 June 2016	Granted a Bridging visa.
27 July 2016	The High Court found that the ITOA process was not procedurally unfair.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any major physical health issues.	
November 2014	Mr X presented with depression and sleeping difficulties. He was reviewed by a psychiatrist who noted that he was depressed.
July 2015	Attended a mental health review and was reportedly sad and stressed. Mr X reported no thoughts of self-harm but advised that he was suffering from insomnia. He was provided with counselling.
31 December 2015	IHMS advised that Mr X reported sleeping difficulties but declined medication.

Case status

<p>Mr X was granted a Bridging visa on 23 June 2016 and released from immigration detention.</p> <p>Mr X was detained on 5 May 2011 after arriving in Australia aboard Suspected Illegal Entry Vessel <i>Keeling</i> and was held in restricted detention for over five years before being granted a Bridging visa.</p> <p>On 13 April 2016 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 21 April 2016 DIBP invited Mr X to apply.</p>
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