

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 has remained in restricted immigration detention for more than 54 months (four and a half years).

The first report 1001418 was tabled in Parliament on 18 June 2014, the second report 1001723 was tabled in Parliament on 18 March 2015 and the third report 1002203 was tabled in Parliament on 9 September 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	1988
Ombudsman ID	1003044
Date of DIBP's reports	21 July 2015, 18 January 2016 and 15 July 2016
Total days in detention	1640 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002203), Mr X remained at Facility B.	
Date not provided	Transferred to Facility C.
24 March 2015	Transferred to Facility D.
2 May 2016	Escaped from immigration detention.
3 May 2016	Located by police and returned to Facility D.
30 June 2016	Transferred to Facility C.

Recent visa applications/case progression

1 April 2015	The Federal Circuit Court (FCC) remitted Mr X's application for judicial review of his Protection visa refusal to the Refugee Review Tribunal (RRT).
29 June 2015	RRT affirmed original decision to refuse Mr X's Protection visa application.
27 August 2015	Requested judicial review by the FCC.
30 November 2015	The FCC remitted Mr X's case to the Administrative Appeals Tribunal (AAT). ¹
18 January 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X is a person of interest in relation to criminal matters while onshore.
29 February 2016	The AAT heard Mr X's application for judicial review.

¹ On 1 July 2015 the Migration Review Tribunal and RRT were merged into the AAT.

Criminal history

28 June 2016	Mr X was convicted of escaping from immigration detention. He was sentenced to 14 days imprisonment which was taken to have been served while in immigration detention.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received ongoing treatment for gastric and musculoskeletal issues. He was referred to a number of specialists and attended regular physiotherapy appointments.

IHMS further advised that Mr X presented with condition Q which was investigated and attributed to the stress of his situation and anxiety. He was prescribed with medication and provided with psychological counselling and support.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review Mr X was awaiting the outcome of judicial review.