

**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 has remained in immigration detention for a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1987
Ombudsman ID	1002405-O
Date of DIBP's reports	17 May 2016 and 13 November 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

28 June 2009	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 46 <i>Randwick</i> . He was transferred to Christmas Island Immigration Detention Centre (IDC).
24 March 2010	Transferred to Perth IDC.
15 September 2010	Granted a Protection visa and released from detention.
3 August 2015	Released from prison and detained under s 189(1). He was transferred to Yongah Hill IDC.
9 October 2015	Transferred to Christmas Island IDC.

Visa applications/case progression

4 December 2009	Refugee Status Assessment found he was owed protection.
10 September 2010	The former Minister lifted the bar under s 46A to allow Mr X to lodge a Protection visa application.
14 September 2010	Lodged a Protection visa application.
15 September 2010	Protection visa granted.
31 July 2015	Protection visa cancelled on character grounds.
31 July 2015	Mr X applied for revocation of the decision to cancel his Protection visa.
19 October 2016	The Department of Immigration and Border Protection (DIBP) advised Mr X 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.

Criminal history

30 October 2013	Convicted of assault, wounding and driving offences and transferred to a prison.
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Other legal matters

10 March 2010	Mr X was charged with rioting and weapons offences following his alleged involvement in a disturbance on Christmas Island in November 2009. DIBP advised that due to a lack of evidence these charges were discontinued.
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Health and welfare

International Health and Medical Services (IHMS) advised that during his first period of detention Mr X was treated with antidepressant medication for depression. IHMS advised upon his return to detention his antidepressant medication regime was recommenced. However, Mr X later ceased it, as he felt it was not helping. On 16 December 2015 he disclosed a history of torture and trauma and advised he had received some counselling while incarcerated. IHMS advised that in September 2016 it was noted Mr X had no significant mental health issues but would continue to be periodically reviewed.	
5 September 2016	A DIBP Incident Report recorded Mr X was the victim of a minor assault by another detainee.

Detention incidents

19 May 2010	A DIBP Incident Report recorded that Mr X was involved in a demonstration and refused food and fluid.
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Case status

<p>Mr X's Protection visa was cancelled on character grounds and he has been held in restricted detention for a cumulative period of more than two and half year years.</p> <p>Mr X has applied for revocation of the cancellation.</p> <p>DIBP has commenced an ITOA to assess whether the circumstances of Mr X's case engage Australia's <i>non-refoulement</i> obligations.</p>
