

**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 restricted immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1958
Ombudsman ID	1002289-O
Date of DIBP's report	18 January 2016
Total days in detention	734 (at date of DIBP's report)

Detention history

14 January 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Villawood Immigration Detention Centre (IDC).
6 April 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point Alternative Place of Detention (APOD).

Visa applications/case progression

16 February 2005	Arrived in Australia on a Tourist Short Stay visa valid until 16 May 2005.
31 March 2005	Lodged a Protection visa application which triggered an associated Bridging visa application. On the same day he was granted a Bridging visa.
31 May 2005	Protection visa application refused.
7 July 2005	Appealed to the Refugee Review Tribunal (RRT).
21 October 2005	RRT affirmed original decision.
29 November 2005	Bridging visa expired and Mr X remained unlawfully in the community.
24 January 2014	The Department of Immigration and Border Protection (DIBP) advised that Mr X's case was case law affected ¹ which allowed him to lodge a second Protection visa application. Mr X lodged a second Protection visa application which triggered an associated Bridging visa application.
28 January 2014	Associated Bridging visa application refused.
30 January 2014	Appealed to the Migration Review Tribunal (MRT).
7 February 2014	MRT affirmed original decision.

¹ SZGIZ v Minister for Immigration [2013] FMCA 215

12 March 2014	DIBP notified Mr X of the unintentional release of personal information. ²
26 September 2014	Second Protection visa application refused.
7 November 2014	Appealed to the RRT.
4 December 2014	RRT found that it did not have jurisdiction over the matter.
18 December 2014	Requested judicial review by the Federal Circuit Court (FCC).
9 June 2015	FCC reserved judgment and the matter remains ongoing.

Health and welfare

International Health and Medical Services (IHMS) reported that Mr X received treatment for shoulder pain and an associated lipoma which has required specialist referral. IHMS advised that after Mr X was transferred between detention facilities a new referral was made in April 2015 and he was advised that he could be on a waiting list for up to two years. IHMS continues to monitor his condition and provide pain relief medication.	
3 April 2014	A DIBP Incident Report recorded that Mr X refused food and fluid.

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 review, Mr X was awaiting the outcome of judicial review.
--

² 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.