

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X who has remained in restricted immigration detention for more than 36 months (three years).

The first report 1002407 was tabled in Parliament on 14 September 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1981
Ombudsman ID	1003486
Date of DIBP's reports	6 October 2016 and 5 April 2016
Total days in detention	1092 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002407), Mr X has remained at Wickham Point Alternative Place of Detention (APOD).

Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering his protection claims.
14 May 2015	Temporary Protection visa application refused.
25 May 2015	Appealed to the Refugee Review Tribunal (RRT).
24 September 2015	The Administrative Appeals Tribunal (AAT) ² affirmed original decision.
13 October 2015	Requested ministerial intervention under s 417 of the <i>Migration Act 1958</i> .
22 October 2015	Requested judicial review by the Federal Circuit Court (FCC). A hearing is scheduled for 22 May 2016.
11 December 2015	The Minister declined to intervene under s 417.
5 April 2016	DIBP advised that Mr X has been identified as a person of interest to an external agency.

¹ 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.

² On 1 July 2015 the Migration Review Tribunal and the RRT merged with the AAT.

Health and welfare

9 May 2015 – 11 September 2015	International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any major physical or mental health concerns during this reporting period.
11 September 2015 – 15 December 2015	He presented with back pain and was prescribed with pain relief medication and attended physiotherapy.
1 October 2015 – ongoing	He presented with low mood and frustration related to his situation. IHMS advised that he sees the mental health team regularly for assessment and supportive counselling. On 10 February 2016 he started seeing a specialist counsellor.

Case status

Mr X has been found not to be owed protection under the Refugee Convention. He is awaiting the outcome of judicial review.