

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 42 months (three and a half years).

The first report 1003032 was tabled in Parliament on 10 February 2016. 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	1971
Ombudsman ID	1001808-O
Date of DIBP's reports	22 March 2016 and 19 September 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003032), Mr X remained at Wickham Point Alternative Place of Detention (APOD).	
Date not provided	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

30 October 2015	Requested judicial review by the Federal Circuit Court (FCC) at Darwin of the Refugee Review Tribunal's (RRT) decision of 30 May 2015.
22 March 2016	The Department of Immigration and Border Protection (DIBP) advised that its previous 30-month review, dated 24 September 2015, incorrectly stated that Mr X's case is affected by the Full Federal Court's (FFC) decision of 2 September 2015. ¹ DIBP advised that Mr X's case is not affected by the FFC judgment and his data breach claims were considered by the RRT on 30 May 2015.
16 June 2016	The FCC at Darwin affirmed the Administrative Appeals Tribunal's (AAT) decision. ²
1 August 2016	Requested judicial review by the FCC at Perth of a possible future decision to remove him from Australia and other matters.
31 August 2016	The FCC proceedings were adjourned.

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

² On 1 July 2015 the RRT was merged into the AAT.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X presented with symptoms of depression and adjustment disorder but declined mental health support.

IHMS further advised that Mr X received treatment for physical health conditions, including hepatitis B and gastritis. He was placed on a care plan and continues to attend regular specialist reviews.

Information provided by Mr X

During an interview with Ombudsman staff at Wickham Point APOD on 20 April 2016 Mr X advised that he was awaiting the outcome of judicial review. He said that he was being assisted by a lawyer and attends appointments with his case manager each month.

Mr X said that his health is generally good and he is regularly reviewed by IHMS. He said he participates in excursions and enjoys painting and participating in sports.

Mr X said that he has behaved well in detention and has kept out of trouble.

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.