

**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 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1970
Ombudsman ID	1002308-O
Date of DIBP's reports	8 February 2016 and 6 August 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

6 February 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).
14 April 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point Alternative Place of Detention.
16 June 2016	Transferred to Yongah Hill IDC.

Visa applications/case progression

18 November 2006	Arrived in Australia on a Tourist visa valid until 18 December 2006.
6 February 2014	Detained under s 189(1) after living unlawfully in the community upon expiry of his Tourist visa.
14 February 2014	Lodged a Bridging visa application. On the same day the application was refused.
20 February 2014	Appealed to the Migration Review Tribunal (MRT). The application was not accepted as it had not been lodged within the relevant time limit.
20 March 2014	Lodged a Protection visa application with an associated Bridging visa application.
24 March 2014	Associated Bridging visa application deemed invalid.
27 October 2014	Protection visa application refused.
4 November 2014	Appealed to the Refugee Review Tribunal (RRT).
23 January 2015	RRT affirmed original decision.
6 February 2015	Requested judicial review by the Federal Circuit Court. The application was dismissed on 14 September 2015.

6 March 2015 – 21 July 2015	Lodged 5 Bridging visa applications which were deemed invalid or refused.
8 February 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X is a person of interest.
10 February 2016	Requested judicial review by the Full Federal Court (FFC).
5 May 2016	FFC judicial review was adjourned.
1 June 2016	Lodged Bridging visa application.
3 June 2016	Bridging visa application was refused.
29 June 2016	FFC judicial review application was dismissed as Mr X did not file a notice of appeal within the required time limit.
5 July 2016	Appealed to the Administrative Appeals Tribunal (AAT). ¹
15 July 2016	AAT affirmed original decision.
28 July 2016	Requested Ministerial intervention under s 417.
6 August 2016	DIBP advised that Mr X has no outstanding matters before it, the courts or tribunals and is on a removal pathway.
8 August 2016	Found not to meet the guidelines for referral to the Minister under s 417.

Criminal history

2 June 2016	Mr X was convicted of conduct to cause harm to a Commonwealth official. He was released on a twelve month good behaviour bond with no conviction recorded.
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Health and welfare

International Health and Medical Services advised that Mr X received treatment and attended physiotherapy for chronic back pain. He continues to be monitored by his general practitioner.

Detention incidents

3 September 2015	A DIBP Incident Report recorded that Mr X allegedly assaulted a detention centre staff member.
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Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no matters before DIBP the courts or tribunals and has been referred for removal action.

¹ On 1 July 2015 the MRT and RRT were merged into the AAT.