

**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 a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1993
Ombudsman ID	1002362-O
Date of DIBP's reports	7 April 2016 and 6 October 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

20 May 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 334 <i>Magitup</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
21 May 2012 – 1 August 2012	Transferred three times between various immigration detention facilities.
9 October 2012	Granted a Bridging visa and released from detention.
28 August 2014	Re-detained and transferred to Villawood Immigration Detention Centre (IDC).
2 September 2014	Transferred to Wickham Point APOD.
21 June 2016	Transferred to Yongah Hill IDC.

Visa applications/case progression

23 July 2012	Former Minister lifted the bar under s 46A to allow Mr X to lodge a Protection visa application.
16 September 2012	Lodged a Protection visa application.
9 October 2012	Granted a Bridging visa valid until 30 September 2013 and released from detention.
2 January 2013	Protection visa application refused.
30 January 2013	Appealed to the Refugee Review Tribunal (RRT).
30 August 2013	RRT affirmed original decision.
9 October 2013	Found not to meet the guidelines for referral to the former Minister under s 417.
17 February 2014	Requested ministerial intervention under s 417. On 17 April 2014 the former Minister decided not to intervene.

29 May 2014	DIBP initiated a ministerial intervention request under ss 48B and 417. On the same day it decided not to refer the request to the minister.
16 July 2014	Granted Bridging visa valid until 27 August 2014.
28 August 2014	Re-detained under s 189(1).
19 November 2014	Requested ministerial intervention under ss 48B and 417. On 16 December 2014 DIBP decided not to refer the request.
2 October 2015	Requested judicial review by the Federal Circuit Court (FCC) of the Administrative Appeals Tribunal's (AAT) ¹ decision.
21 September 2016	The FCC hearing was adjourned with judgment reserved.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X first disclosed a history of torture and trauma in July 2012. He declined a referral for specialist counselling at that time and most recently in February 2016. However, IHMS stated that he had been supported by the IHMS psychologist as required since entering detention and upon his return to detention.

On 7 June 2016 Mr X was diagnosed with an adjustment disorder with depressed mood. On the same day he was placed on Psychological Support Program observations for seven days. Upon review by the IHMS psychiatrist on 15 August 2016 he reported ongoing worry about being deported, frequent headaches, and a deterioration in his mood and sleep. He was noted to be anxious and in a low mood. The psychiatrist recommended a change in medication and scheduled a follow up assessment for September 2016.

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.

¹ On 1 July 2015 the Migration Review Tribunal and RRT were merged into the AAT.