

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in immigration detention for more than 66 months (five and a half years).

The first report 1422/13 was tabled in Parliament on 13 November 2013, the second report 1001088 was tabled in Parliament on 9 July 2014 and the third report 1001640 was tabled in Parliament on 17 June 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1997
Ombudsman ID	1002813
Date of DIBP's reports	21 June 2015 and 17 December 2015
Total days in detention	2004 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001640), Mr X has remained in community detention.

Recent visa applications/case progression

3 September 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.
5 February 2015	Attended an interview in relation to the ITOA.
20 May 2015	DIBP finalised the ITOA, determining that Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
17 December 2015	DIBP advised that Mr X's case is affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC) ¹ which found that the ITOA process was procedurally unfair.
21 March 2016	The Minister filed a notice in the High Court (HC) to appeal the FFC's decision.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

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

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion.

Mr X's case is affected by the FFC's judgment of 2 September 2015, which found that the ITOA process undertaken by DIBP was procedurally unfair. On 21 March 2016 the Minister filed a notice in the HC to appeal the FFC's decision.