

**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 a cumulative period of more than 42 months (three and a half years).

The first report 1002980 was tabled in Parliament on 31 August 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	1963
Ombudsman ID	1001753-O
Date of DIBP's reports	5 July 2016 and 6 January 2017
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002980), Mr X remained at Wickham Point Alternative Place of Detention.	
30 June 2016	Transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

10 March 2016	Requested judicial review by the Federal Circuit Court (FCC) of the Refugee Review Tribunal's ¹ decision to affirm the refusal of his Protection visa application. The matter was adjourned to 15 March 2016 and an interim injunction against removal was granted.
15 March 2016	The matter was adjourned to 6 May 2016 and the interim injunction was dismissed.
6 May 2016	The matter was adjourned to 22 November 2016.
5 July 2016	Requested judicial review by the Federal Court in relation to the unintentional release of personal information in February 2014. ² The matter was adjourned on three occasions and was listed for a directions hearing on 15 February 2017.
22 November 2016	The FCC dismissed the application for judicial review lodged on 10 March 2016.

¹ On 1 July 2015 the Migration Review Tribunal and Refugee Review Tribunal were merged into the Administrative Appeals Tribunal.

² In a media release dated 19 February 2014 the Minister advised that an immigration detention statistics report was released on the department's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as the department became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by the department.

Health and welfare

International Health and Medical Services advised that Mr X continued to be monitored for a cerebral blood vessel disease, high cholesterol and hypertension. He attended neurosurgical review in October 2016 and is scheduled for further review in May 2017 for the management of his cerebral condition.

Other matters

Mr X's son, Mr Y, and his son's wife, Ms Z, currently reside in the community on Bridging visas. They have two children who were born in Australia.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for more than three and a half years. At the time of the Department of Immigration and Border Protection's latest review Mr X was awaiting the outcome of judicial review.