

**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	1985
Ombudsman ID	1002472-O
Date of DIBP's reports	13 August 2016 and 11 February 2017
Total days in detention	912 (at date of DIBP's latest report)

Detention history

14 August 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Maribyrnong Immigration Detention Centre (IDC).
16 December 2014	Transferred to Yongah Hill IDC.
31 July 2015	Transferred to Wickham Point Alternative Place of Detention.
30 June 2016	Transferred to Yongah Hill IDC.
1 February 2017	Transferred to Villawood IDC.

Visa applications/case progression

Mr X arrived in Australia on 12 March 2008 as a dependant on a Vocational Education and Training Sector visa on the basis of his relationship with the principle visa holder. On 28 April 2010 Mr X's visa was cancelled under s 116 as his relationship with the principle visa holder had ceased. Mr X remained unlawfully in the community until 14 August 2014 when he was located by authorities and was detained under s 189(1).	
27 August 2014	Lodged a Protection visa application.
25 September 2014	Protection visa application refused.
30 September 2014	Appealed to the Refugee Review Tribunal (RRT).
18 December 2014	RRT affirmed original decision.
21 January 2015	Requested judicial review by the Federal Circuit Court (FCC).
17 September 2015	FCC dismissed the appeal.
6 October 2015	Requested judicial review by the Full Federal Court (FFC)
23 February 2016	FFC dismissed the appeal.
6 May 2016	Found not to meet the guidelines for referral to the Minister under s 147.

11 May 2016	Signed a request for removal form. Mr X was receiving assistance from the Department of Immigration and Border Protection (the department) to obtain the necessary travel documents for removal to Country A.
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Other legal matters

14 August 2014	Upon being detained Mr X was subject to an outstanding arrest warrant. He was subsequently charged with possession of an illicit substance and leaving a child in a car without supervision. These charges were later withdrawn.
30 December 2015	Police notified the department that Mr X was subject to an outstanding arrest warrant.

Health and welfare

International Health and Medical Services advised that Mr X is monitored and receives treatment for type 2 diabetes and has attended several reviews by a podiatrist for the management of related feet concerns and a fungal infection. Mr X was provided with special footwear for his condition and was scheduled for a follow up appointment with a podiatrist in March 2017. On 7 March 2016 Mr X attended an exercise stress test and electrocardiogram following an episode of chest pain, with no cardiac abnormalities detected. Mr X was educated on the importance of complying with his diabetes regime, dietary habits and exercise in order to best manage his condition.

On 29 February 2016 Mr X was reviewed by a psychiatrist for his 18 month mental health review. Mr X's anti-depressant medication was reviewed and ceased and a psychiatrist suggested that he reduce his smoking and encouraged a healthier lifestyle.

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 two and a half years. He has no matters before the department, the courts or tribunals and is on a removal pathway.