

**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 immigration detention for a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1993
Ombudsman ID	1002337-O
Date of DIBP's report	10 March 2016
Total days in detention	730 (at date of DIBP's report)

Detention history

6 May 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 325 <i>Dajarra</i> . He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
18 May 2012	Transferred to Darwin Airport Lodge APOD.
13 August 2012	Transferred to community detention.
12 February 2013	Granted a Bridging visa and released from detention.
18 December 2014	Re-detained under s 189(1) following expiry of his fifth Bridging visa. He was transferred to Yongah Hill Immigration Detention Centre.

Visa applications/case progression

29 May 2012	The former Minister lifted the bar under s 46A to allow Mr X to lodge a valid visa application.
8 July 2012	Lodged a Protection visa application.
29 July 2012	The former Minister intervened under s 197AD to allow Mr X to reside in community detention.
14 September 2012	An Age Determination assessment concluded that Mr X was over 18 years of age.
4 October 2012	Protection visa application refused.
12 October 2012	Appealed to the Refugee Review Tribunal (RRT).
12 February 2013 – 5 November 2014	The Department of Immigration and Border Protection (DIBP) advised that Mr X was granted five consecutive Bridging visas valid to 17 December 2014.
27 February 2013	The RRT affirmed original decision.
6 January 2015	DIBP advised that Mr X's identity was confirmed

20 February 2015	Requested judicial review by the Federal Circuit Court (FCC).
23 February 2015	The FCC granted an injunction to prevent Mr X's removal from Australia.
24 February 2015	DIBP advised that Mr X's scheduled removal did not proceed as he had matters before the FCC.
10 March 2015	DIBP advised that an amended application was filed in the FCC to challenge its pre-removal clearance determination. The matter was heard on 11 May 2015 and judgment was reserved.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues.

Other matters

10 March 2016	DIBP advised that Mr X arrived on SIEV <i>Dajarra</i> with his cousin, Mr Y, who has been granted a Protection visa.
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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 is awaiting the outcome of judicial review.