

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 more than 36 months (three years).

The first report 1002548 was tabled in Parliament on 10 February 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	1973
Ombudsman ID	1001377-O
Date of DIBP's report	12 November 2015 and 12 May 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002548), Mr X has remained at Wickham Point Alternative Place of Detention.

Recent visa applications/case progression

12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information ¹ and advised that the privacy breach was taken into account when his protection claims were considered. ²
14 August 2015	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa.
17 August 2015	The Minister declined to intervene under s 195A.
28 October 2015	The Administrative Appeals Tribunal (AAT) ³ affirmed the decision to refuse Mr X's Protection visa application.
24 November 2015	Requested judicial review by the Federal Circuit Court (FCC)
22 January 2016	Attended a directions hearing at the FCC and the matter was adjourned until 23 August 2016.

¹ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

² DIBP did not provide this information in Mr X's 24-month review dated 25 May 2015.

³ On 1 July 2015 the Migration Review Tribunal and the Refugee Review Tribunal were merged into the AAT.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for previously reported physical or mental health concerns. He was investigated for glaucoma and received treatment for ongoing knee pain which required specialist referrals. IHMS advised that these health concerns have since been resolved.

IHMS further advised that Mr X has not presented with any chronic or major acute mental health issues and is aware of self-referral to the mental health team.

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 he was awaiting the outcome of judicial review.