

**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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1968
<b>Ombudsman ID</b>	1002240-O
<b>Date of DIBP's reports</b>	27 November 2015 and 27 May 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

27 November 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after being released from criminal detention. He was transferred to Facility B.
10 April 2014	Transferred to Facility C.

**Visa applications/case progression**

28 August 2009	Mr X arrived in Australia as the holder of a Business (Short Stay) visa. He was arrested and charged with a drug offence.
1 April 2011 and 13 April 2012	Granted Bridging visas to regularise his immigration status while in criminal detention.
16 December 2013	Lodged a Protection visa application with an associated Bridging visa application.
20 December 2013	Associated Bridging visa application refused.
23 December 2013	Appealed to the Migration Review Tribunal (MRT). On 6 January 2014 the MRT affirmed the original decision.
12 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information. <sup>1</sup>
8 June 2014	Found to be owed protection under the complementary protection criterion.
8 September 2014	Mr X was issued with a Notice of Intention to Consider Refusal of his Protection visa application under s 501 due to character concerns.
6 July 2015	Protection visa refused under s 501.
10 August 2015	Requested judicial review by the Federal Circuit Court (FCC).

<sup>1</sup> 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.

6 April 2016	Mr X's application for judicial review by the FCC was transferred to the Federal Court.
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### **Criminal history**

22 October 2010	Mr X was convicted of importing a marketable quantity of border controlled drugs or plants and sentenced to seven years and two months imprisonment. He was released from criminal detention on 27 November 2013.
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### **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X received physiotherapy for chronic lower back and knee pain and underwent investigations for urinary issues. IHMS further advised that Mr X presented with insomnia, anxiety and anger but declined support from the mental health team.
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### **Case status**

On 8 June 2014 Mr X was found to be owed protection under the complementary protection criterion and on 6 July 2015 his application for a Protection visa was refused under s 501. At the time of DIBP's latest review Mr X was awaiting the outcome of judicial review.
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