

**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>	1985
<b>Ombudsman ID</b>	1002310-O
<b>Date of DIBP's reports</b>	8 February 2016 and 8 August 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

**Detention history**

8 February 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Villawood Immigration Detention Centre (IDC).
6 April 2014	Transferred to Yongah Hill IDC.

**Visa applications/case progression**

The Department of Immigration and Border Protection (DIBP) advised that Mr X arrived in Australia on a Higher Education Sector visa on 10 July 2006. He was granted a further three Higher Education Sector visas between 28 March 2006 and 2 September 2010 and two Vocational Education Training Sector visas between 30 September 2010 and 1 December 2012.	
28 February 2014	Lodged a Protection visa application. The application was deemed invalid on the same day.
4 March 2014	Lodged a second Protection visa application with an associated Bridging visa application.
7 March 2014	Associated Bridging visa application was refused.
27 March 2014	Protection visa application refused.
4 April 2014	Appealed to the Refugee Review Tribunal (RRT).
30 May 2014	RRT affirmed original decision.
11 August 2014	Requested judicial review by the Federal Circuit Court (FCC).
29 July 2015	FCC heard Mr X's judicial review application and reserved its judgment.

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X was diagnosed with an adjustment disorder related to detention fatigue. He declined a referral for psychological counselling and continues to be monitored by the IHMS mental health team.

IHMS further advised that Mr X has received treatment for a fractured ankle, and knee and ankle pain associated with flat feet.

**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 the DIBP's review Mr X was awaiting the outcome of judicial review.