

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 a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1961
Ombudsman ID	1003194
Date of DIBP's reports	2 August 2015 and 28 January 2016
Total days in detention	912 (at date of DIBP's latest report)

Detention history

4 January 2011	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 225 <i>Nepean</i> . He was transferred to Christmas Island Immigration Detention Centre (IDC).
11 March 2011	Transferred to Curtin IDC.
6 March 2012	Granted a Bridging visa valid until 6 September 2012 and released from detention.
18 August 2014	Mr X remained in the community as an unlawful non-citizen until he was granted a Bridging visa valid until 29 September 2014.
30 September 2014	Mr X was re-detained under s 189(1) and transferred to Villawood IDC.
4 October 2014	Transferred to Wickham Point APOD. ¹

Visa applications/case progression

7 April 2011	Refugee Status Assessment found he was not owed protection.
9 May 2011	Mr X requested an Independent Merits Review (IMR).
7 September 2012 – 8 September 2013	Mr X was granted five consecutive Bridging visas to allow him to arrange his departure from Australia.
10 December 2012	Mr X requested ministerial intervention under s 46A. On the same day, the Department of Immigration and Citizenship advised that Mr X's case was affected by the Full Federal Court's (FFC) decision of 20 March 2013 ² and he will have his complementary protection claims reassessed as part of a new International Treaties Obligations Assessment.

¹ DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X is accommodated in the single adult male compound at Wickham Point APOD.

² *Minister for Immigration and Citizenship v SZQRB* [2013] FCAFC 33.

26 April 2012	IMR found he was not owed protection.
25 March 2014	The Department of Immigration and Border Protection (DIBP) advised that Mr X's case was not included on a ministerial intervention submission under s 46A as he was found to be affected by the FCC's decision of 20 March 2013.
18 August 2014	Granted a Bridging visa valid until 29 September 2014. He was re-detained on 30 September 2014.
20 August 2014	DIBP notified Mr X that, following further investigation, his case was not affected by the FCC's decision of 20 March 2013.
17 July 2015	Mr X was provided with information from the International Organization for Migration should he agree to return to Country A voluntarily.

Health and welfare

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

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He has no matters before DIBP, the courts or tribunals and is on a removal pathway.