

**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 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002292-O
Date of DIBP's report	14 January 2016
Total days in detention	730 (at date of DIBP's report)

Detention history

14 January 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Brisbane Immigration Transit Accommodation.
30 January 2014	Transferred to Villawood Immigration Detention Centre (IDC).
10 April 2014	Transferred to Yongah Hill IDC.
31 July 2015	Transferred to Wickham Point Alternative Place of Detention.

Visa applications/case progression

21 February 2013	Arrived in Australia on a Maritime Crew visa and departed on 24 February 2013.
29 March 2013	Returned to Australia on a Maritime Crew visa.
9 April 2013	Mr X's visa was cancelled under s 38B(3) after the Department of Immigration and Border Protection (DIBP) was notified by Western Australia Seaports that he had deserted his designated vessel.
14 January 2014	Mr X remained unlawfully in the community as a non-citizen until he was located by authorities and detained under s 189(1).
7 February 2014	Lodged a Protection visa application with an associated Bridging visa application.
11 February 2014	Associated Bridging visa application refused.
26 February 2014	Attended an interview in relation to his Protection visa application.
3 April 2014	Protection visa application refused.
14 April 2014	Appealed to the Refugee Review Tribunal (RRT). The RRT affirmed the original decision on 31 July 2014.
31 July 2014	Found not to meet the guidelines for referral to the former Minister under s 417.
13 August 2014	Requested judicial review by the Federal Circuit Court (FCC).

16 September 2014	Mr X lodged a Bridging visa application which was refused on 18 September 2014. He appealed to the Migration Review Tribunal (MRT) but the appeal was deemed beyond the MRT's jurisdiction.
15 October 2014	FCC hearing adjourned.
23 March 2015	The FCC reserved judgment.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any mental health issues.	
7 April 2014 – ongoing	Mr X was scheduled to undergo surgery on 3 December 2015, however the procedure was cancelled due to unforeseen circumstances. IHMS advised that Mr X is awaiting a surgery date and is monitored by a general practitioner.

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 review, Mr X was awaiting the outcome of judicial review.
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