

**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	1970
Ombudsman ID	1002283-O
Date of DIBP's report	11 January 2016
Total days in detention	731 (at date of DIBP's report)

Detention history

9 January 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).
14 April 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point Alternative Place of Detention.

Visa applications/case progression

14 February 2011	Arrived in Australia on a Tourist visa and departed on 16 February 2011.
19 February 2011	Arrived in Australia on a Tourist visa valid until 25 February 2011.
25 February 2011	Lodged a Protection visa application. He was granted an associated Bridging visa the same day.
14 April 2011	Protection visa application refused.
27 May 2011	Mr X remained unlawfully in the community as a non-citizen following the expiry of his Bridging visa.
9 January 2014	Located by authorities and detained under s 189(1).
22 January 2014	Mr X lodged a second Protection visa application with an associated Bridging visa application as his case was case law affected ¹ which allowed him to lodge another application on complementary protection grounds.
29 January 2014	Associated Bridging visa application refused. Mr X appealed to the Refugee Review Tribunal (RRT) on 31 January 2014 and the decision was affirmed on 7 February 2014.
12 March 2014	Lodged a Bridging visa application.

¹ SZGIZ v Minister for Immigration [2013] FMCA 215.

13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X of the unintentional release of personal information. ²
14 March 2014	Bridging visa application refused.
6 August 2014	Second Protection visa application refused.
28 August 2014	Appealed to the RRT. The RRT affirmed the original decision on 13 January 2015.
18 February 2015	Requested judicial review by the Federal Circuit Court (FCC). The FCC affirmed the original decision on 18 September 2015.
30 October 2015	Requested judicial review by the Full Federal Court (FFC). The FFC adjourned the case on 4 November 2015.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any major mental health issues.	
January 2014	IHMS advised that Mr X had previously been diagnosed with hepatitis B and attends regular ultrasound and pathology testing. His condition remains stable and no concerns have been raised.

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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² 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.