

**REPORT (ABRIDGED) BY THE COMMONWEALTH AND  
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

*Under s 486O of the Migration Act 1958*

This is the third s 486O report on Mr X who remained in immigration detention for a cumulative period of more than 48 months (four years).

The first report 1000960 was tabled in Parliament on 12 February 2014 and the second report 1001445 was tabled in Parliament on 3 December 2014. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1994
<b>Ombudsman ID</b>	1000774-O
<b>Date of DIBP's report</b>	19 May 2016

**Recent detention history**

23 January 2016	Mr X was arrested following a second motor vehicle accident. He was later re-detained under s 189(1) of the <i>Migration Act 1958</i> and transferred to Facility B.
September 2016	Mr X was released from immigration detention when he voluntarily departed Australia and returned to Country A.

**Recent visa applications/case progression**

The Department of Immigration and Border Protection (DIBP) advised that Mr X's case was affected by the judgment handed down on 2 September 2015 by the Full Federal Court (FFC), which found that the International Treaties Obligations Assessment (ITOA) process undertaken by DIBP was procedurally unfair.	
The Minister appealed the FFC decision and on 27 July 2016 the High Court found that the ITOA process was not procedurally unfair.	
9 September 2014	Notified that ITOA would be reassessed.
28 April 2015	ITOA found Mr X did not engage Australia's protection obligations.
9 September 2015	Requested judicial review of the ITOA by the Federal Circuit Court.
18 February 2016	Withdrew from judicial review proceedings.

**Health and welfare**

Mr X was provided with treatment and counselling for a range of mental health issues after his re-detention.	
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**Other matters**

2 April 2015	Convicted in relation to a motor vehicle accident.
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29 December 2015

Allegedly involved in a further motor vehicle accident. He was charged with leaving the scene of an accident, careless driving and failure to render assistance at the scene. He was due to appear in court on 19 May 2016 in relation to the matter.

**Information provided by Mr X**

During an interview with Ombudsman staff on 23 March 2016 Mr X advised that his re-detention had been very stressful for him and for his girlfriend who resides in the community. He said his mental health had suffered since his return to detention. He had one problem after another and sometimes felt like he could not stand it any longer.

**Case status**

Mr X voluntarily departed Australia in September 2016 and returned to Country A.