

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X who has remained in restricted immigration detention for more than 36 months (three years).

The first report 1003207 was tabled in Parliament on 24 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1001957-O
Date of DIBP's reports	11 February 2016 and 6 August 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003207), Mr X has remained at Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

11 February 2016	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) ¹ which found that the International Treaties Obligations Assessment (ITOA) process was procedurally unfair. Mr X's hearing at the Federal Circuit Court was adjourned pending the outcome of any appeal against the FFC's decision.
27 July 2016	The Minister appealed the FFC decision and the High Court (HC) found that the ITOA process was not procedurally unfair. ² DIBP advised that it is considering the implications of this judgment.
6 August 2016	DIBP advised that it is considering the resolution of Mr X's immigration status.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X is monitored by the mental health team and receives supportive counselling for depression and stress.

IHMS further advised that Mr X continued to receive treatment for hepatitis B and was reviewed by a hepatologist. He was referred to a liver clinic for further assessment.

¹ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.

² *Minister for Immigration and Border Protection & Anor v SZSSJ & Anor* [2016] HCA 29.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. His case is affected by the HC judgment of 27 July 2016 and DIBP advised that it is considering the implications of this judgment.

On 6 August 2016 DIBP advised that it is considering the resolution of Mr X's immigration status.