

**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 a cumulative period of more than 42 months (three and a half years).

The first report 1002916 was tabled in Parliament on 29 April 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	1989
Ombudsman ID	1001690-O
Date of DIBP's reports	1 July 2016 and 30 December 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002916), Mr X has remained at Villawood Immigration Detention Centre.

Recent visa applications/case progression

1 July 2016	The Department of Immigration and Border Protection (the department) advised that Mr X remains subject to a Criminal Justice Stay Certificate, issued on 9 November 2015, which will remain in effect until ongoing criminal proceedings are finalised.
16 November 2016	Mr X filed an application in the Federal Circuit Court (FCC) seeking final orders that the International Treaties Obligations Assessments (ITOA) conducted by the department in connection with the data breach were not made in accordance with law. He also requested an injunction to restrain the Minister from taking any action in relation to the ITOAs.
30 November 2016	FCC scheduled a final hearing for 28 July 2017.

Criminal history

December 2016	Mr X attended a trial hearing for criminal charges. Sentencing was scheduled for February 2017.
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Health and welfare

International Health and Medical Services advised that Mr X continued to attend external specialist counselling sessions for the management of a history of torture and trauma. He reported that these sessions were beneficial to his mental wellbeing.
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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 the department's latest review he was awaiting the outcome of judicial review.