

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABELING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who remained in restricted immigration detention for more than 54 months (four and a half years).

The first report 1158/13 was tabled in Parliament on 4 December 2013, the second report 1001325 was tabled in Parliament on 1 October 2014 and the third report 1002025 was tabled in Parliament on 10 June 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1986
Ombudsman ID	1002534
Date of DIBP's report	21 May 2015
Total days in detention	1,646 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002025), Mr X remained at Maribyrnong Immigration Detention Centre (IDC).	
14 April 2015	Transferred to Melbourne Immigration Transit Accommodation.
10 August 2015	Granted a Temporary Protection visa (TPV) and released from detention.

Recent visa applications/case progression

26 November 2014	Lodged an application with the High Court (HC) challenging the lawfulness of his ongoing detention and seeking an injunction to prevent his removal from Australia.
2 December 2014	The Department of Immigration and Border Protection (DIBP) initiated a ministerial intervention request under s 46A(2) of the <i>Migration Act 1958</i> .
11 December 2014	The National Security and Serious Crimes Reporting Team advised that Mr X was no longer considered a person of interest.
17 December 2014	The Minister lifted the bar under s 46A to allow Mr X to lodge a TPV application.
19 December 2014	The HC scheduled a directions hearing for Mr X's case.
21 January 2015	Lodged a TPV application.
22 January 2015	Referred to the Visa Applicant Character Consideration Unit for consideration under s 501 and was assessed on 23 January 2015.
16 February 2015	The HC remitted Mr X's case to the Federal Circuit Court (FCC).
12 March 2015	DIBP initiated ministerial intervention requests on behalf of Mr X under ss 195A and 197AB.

16 March 2015	Mr X was formally issued a Notice of Intention to Consider Refusal (NOICR) of his TPV application under s 501. DIBP invited Mr X to comment and provide information related to the matter within 28 days.
24 March 2015	The FCC transferred his case to the Federal Court (FC).
24 April 2015 and 27 April 2015	Mr X provided a response to DIBP in relation to the NOICR.
27 April 2015	Mr X provided additional information in relation to DIBP's intention to consider refusing his TPV.
8 May 2015	FC requested an amended application and statement of claim to be submitted by 22 May 2015.
14 May 2015	Attended an interview with DIBP for identity verification and his identity was accepted for his visa application.
21 May 2015	DIBP advised that Mr X's case with the FC was scheduled for a case management hearing on 4 August 2015.
10 August 2015	Granted a TPV.

Health and welfare

International Health and Medical Services provided details of Mr X's health and welfare while in detention. No significant ongoing physical health concerns were noted.	
13 May 2015	Reviewed by the mental health team who reported that he did not require further mental health support.

Other matters

18 August 2014	Mr X's complaint with the Ombudsman's office alleging that a parcel addressed to him at Maribyrnong IDC had been misplaced remained outstanding at the time of this report.
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Case status

Mr X was granted a TPV on 10 August 2015 and released from immigration detention.
