

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	1990
Ombudsman ID	1003398
Date of DIBP's report	4 September 2015
Total days in detention	731 (at date of DIBP's report)

Detention history

3 September 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community and transferred to Villawood Immigration Detention Centre (IDC).
6 April 2014	Transferred to Yongah Hill IDC.
24 March 2015	Transferred to Wickham Point Alternative Place of Detention (APOD). ¹

Visa applications/case progression

16 September 2008	Arrived in Australia as the holder of a Schools Sector visa valid until 15 March 2011.
22 May 2009	Mr X's Schools Sector visa was cancelled under s 137J for not commencing a course of study.
16 March 2010	Schools Sector visa reinstated due to a defective notification of cancellation under s 20.
15 March 2011	Schools Sector visa expired.
1 October 2013	Lodged a Protection visa application with an associated Bridging visa application.
3 October 2013	Associated Bridging visa application refused.
8 October 2013	Appealed associated Bridging visa refusal to the Migration Review Tribunal (MRT).
16 October 2013	MRT affirmed original decision.
12 November 2013	Protection visa application refused.
19 November 2013	Appealed Protection visa refusal to the Refugee Review Tribunal (RRT).

¹ DIBP's Australian Immigration Detention Network and Infrastructure report (September 2015) states that Wickham Point is a designated APOD comprising three compounds. One of these compounds is used to house single adult males and is considered a higher security compound than the compounds used to house families and children. Mr X is accommodated in the single adult male compound at Wickham Point APOD.

26 November 2013	Lodged a Bridging visa application.
28 November 2013	Bridging visa application refused.
2 December 2013	Appealed Bridging visa refusal to the MRT.
9 December 2013	MRT affirmed original decision.
4 February 2014	RRT affirmed original decision.
15 February 2014	Found not to meet the guidelines for referral to the former Minister under s 417.
24 February 2014	Requested judicial review of the RRT decision by the Federal Circuit Court (FCC).
14 July 2014	Mr X was issued with a letter inviting him to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ²
17 July 2014	Mr X provided his response and DIBP advised that it was assessing whether he had raised further protection related claims as a result of the privacy breach.
22 September 2014	FCC remitted the matter to RRT for reconsideration.
4 December 2014	RRT affirmed original decision.
22 January 2015	DIBP notified Mr X that his case was finally determined and not subject to any further review.
16 March 2015	Lodged an application for an injunction preventing his removal from Australia with the FCC.

Health and welfare

International Health and Medical Services advised that Mr X has not required treatment for any major physical or mental health issues.	
3 April 2014	A DIBP Incident Report recorded that Mr X was allegedly involved in a mass protest involving food and fluid refusal. The protest was against the transfer of detainees to other centres.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion. He is awaiting the outcome of an application for an injunction to prevent his removal from Australia.
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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.