

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING 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 60 months (five years).

The first report 1104/12 was tabled in Parliament on 13 November 2013, the second report 1001152 was tabled in Parliament on 28 May 2014 and the third report 1001684 was tabled in Parliament on 11 February 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	1987
Ombudsman ID	1002910
Date of DIBP's report	8 July 2015
Total days in detention	1,826 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1001684), Mr X remained at Curtin Immigration Detention Centre (IDC).	
26 August 2014	Transferred to Yongah Hill IDC.
12 November 2015	Granted a Bridging visa and released from detention.

Recent visa applications/case progression

1 July 2014	The Department of Immigration and Border Protection (DIBP) commenced an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of Mr X's case engage Australia's <i>non-refoulement</i> obligations.
23 January 2015	Attended an interview for the ITOA.
4 March 2015	Mr X's lawyer provided information to DIBP in relation to the ITOA.
8 May 2015	DIBP determined that Mr X's case engages Australia's <i>non-refoulement</i> obligations and he is owed protection under the Refugee Convention. He was notified of the decision the same day.
8 July 2015	DIBP advised that it had commenced preparing a submission for the Minister to consider granting a Bridging visa under s 195A of the <i>Migration Act 1958</i> .
12 November 2015	Granted a Bridging visa.

Health and welfare

7 November 2014	International Health and Medical Services (IHMS) recorded that the psychiatrist noted Mr X was experiencing emotional and behavioural issues due to his prolonged detention.
4 July 2015	IHMS advised that Mr X had met with the mental health team as required and attended specialist counselling in this reporting period. The counsellor noted that ongoing detention was having a detrimental impact on his psychological wellbeing.

Other matters

1 December 2014	DIBP advised that Mr X's complaint with the Australian Human Rights Commission, lodged in May 2012, was finalised.
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Case status

Mr X was granted a Bridging visa on 12 November 2015 and released from immigration detention.

Following an ITOA which commenced in July 2014, Mr X was found to be owed protection under the Refugee Convention and the complementary protection criterion on 8 May 2015.