

**ASSESSMENT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in restricted immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A, born in Country B
Year of birth	1976
Ombudsman ID	1002591-O
Date of DIBP's review	2 February 2017
Total days in detention	730 (at date of DIBP's review)

Detention history

3 February 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following a court appearance after living unlawfully in the community. He was transferred to Facility A.
6 February 2015	Transferred to Facility B.
7 July 2016	Transferred to Facility C.
3 February 2017	Granted a Protection visa and released from detention.

Visa applications/case progression

19 September 2004	Arrived in Australia on a Higher Education Sector visa (HESV) valid until 11 March 2005. He was subsequently granted further HESVs with the last expiring on 22 November 2007.
18 December 2007	Granted Bridging visa valid until 25 December 2007.
28 December 2007	Granted Bridging visa on departure grounds valid until 28 January 2008 after which he remained unlawfully in the community.
22 April 2015	Lodged a Protection visa application.
18 May 2016	Protection visa application refused.
28 May 2016	Applied to the Administrative Appeals Tribunal (AAT) for merits review.
23 August 2016	AAT remitted the application to the Department of Immigration and Border Protection (the department) for reconsideration with the direction that Mr X was owed protection as a refugee.
3 February 2017	Granted a Protection visa.

Other legal matters

July 2014	Remanded on charges relating to theft.
3 February 2015	Found guilty on all charges by a Magistrate's Court. Fined with no conviction recorded.

Health and welfare

International Health and Medical Services (IHMS) advised that in August 2016 Mr X presented with stress and adjustment reaction disorder symptoms relating to his unresolved immigration status. This condition was managed with medication and monitored as clinically indicated.

IHMS further advised that Mr X was diagnosed with hepatitis B and frequently saw IHMS for management of this condition. An ultrasound revealed a lesion in his liver which was likely to be a benign tumour. This was monitored as required including through periodic ultrasounds. Mr X also received treatment for other physical health concerns.

Other matters

10 September 2015	Mr X and another detainee lodged a complaint with the Commonwealth Ombudsman's office about the conduct of a Serco officer, concerns about how Serco handled a complaint about the matter and the outcome of Serco's complaint investigation. After investigation the Ombudsman's office provided feedback to the department and the department provided a response to the feedback. The complaint was closed on 5 August 2016.
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Case status

Mr X was granted a Protection visa on 3 February 2017 and released from immigration detention.