

**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 remained in restricted immigration detention more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1971
Ombudsman ID	1002396-O
Date of DIBP's report	12 May 2016
Total days in detention	734 (at date of DIBP's report)

Detention history

9 May 2014	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from criminal custody. He was transferred to Villawood Immigration Detention Centre.
August 2016	Mr X was released from immigration detention when he voluntarily departed Australia and returned to Country A.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that Mr X arrived in Australia on 27 April 1983 as a dependent on his parents' Temporary Residence visa. He subsequently remained in Australia on a Transitional (Permanent) visa.	
1 November 2007	DIBP issued Mr X with a Notice of Intention to Consider cancellation of his Transitional (Permanent) visa under s 501. On 10 March 2008 DIBP decided not to cancel Mr X's visa and he was issued with a warning.
29 June 2012	DIBP issued Mr X with a second Notice of Intention to Consider cancellation of his Transitional (Permanent) visa.
25 February 2013	Transitional (Permanent) visa was cancelled under s 501.
14 March 2013	Appealed to the Administrative Appeals Tribunal (AAT). The AAT affirmed the original decision on 24 May 2013.
29 July 2014	Requested judicial review by the Federal Court (FC). The FC dismissed the application on 27 October 2014.
9 December 2014	Lodged a Protection visa application.
15 January 2015	Protection visa application refused.
16 January 2015	Appealed to the Refugee Review Tribunal (RRT). The RRT affirmed the original decision on 6 February 2015.
27 February 2015	Requested judicial review by the Federal Circuit Court (FCC). The FCC dismissed the application on 26 March 2015.

22 April 2015	Appealed to the Federal Court (FC). The FC dismissed the appeal on 22 October 2015.
28 April 2016	The Minister declined to intervene under s 195A to grant Mr X a Bridging visa or a Former Resident visa.
12 May 2016	DIBP advised that as Mr X has no outstanding matters before DIBP or the courts, it was progressing his involuntary removal from Australia.
August 2016	DIBP advised that Mr X voluntarily departed Australia.

Criminal history

DIBP advised that Mr X has an extensive criminal history and has served multiple prison terms. He was convicted of numerous offences, including assault, possession of a prohibited drug and robbery armed with an offensive weapon.

He was most recently convicted of two counts of robbery armed with an offensive weapon and on 17 December 2010 was sentenced to three years and nine months imprisonment.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for hepatitis C and was placed on opiate substitute therapy to manage previous drug dependency.

IHMS further advised that Mr X did not receive treatment for any major mental health issues.

Other matters

Mr X's father and brother, Mr Y and Mr Z, currently reside in Australia. Mr X's younger brothers, Mr P and Mr Q, were removed from Australia and returned to Country A in 1999 following criminal offences.

Mr X's son, Master R, is an Australian citizen.

Case status

Mr X voluntarily departed Australia and returned to Country A in August 2016.