

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who has remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1991
Ombudsman ID	1002667-O
Date of department's reports	10 May 2017 and 8 November 2017
Total days in detention	912 (at date of department's latest report)

Detention history

11 May 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Yongah Hill Immigration Detention Centre (IDC).
28 October 2015	Transferred to Christmas Island IDC.

Visa applications/case progression

Mr X first arrived in Australia on 10 September 2009 to be reunited with his mother as the holder of a Women at Risk visa which was granted under the split family provisions.	
30 January 2015	Women at Risk visa cancelled under s 501.
16 February 2015	Mr X lodged a Request for Revocation of Cancellation. On 30 August 2016 the Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
12 October 2016	Applied to the Federal Circuit Court for judicial review. On 15 November 2016 the matter was transferred to the Federal Court (FC).
24 March 2017	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
15 August 2017	FC quashed the Assistant Minister's decision and ordered that the matter be determined according to law.

Criminal history

September 2011	Entered a recognisance to be of good behaviour for six months in relation to breaching bail conditions.
October 2012	Convicted of an assault charge and sentenced to four years and three months imprisonment.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for wrist, arm and back pain. Following review by a general practitioner, he was prescribed with medication and provided with education for management of his wrist and back pain. He was referred for physiotherapy in July 2017 but declined to attend a subsequent review in August 2017.

IHMS further advised Mr X disclosed a history of torture and trauma, depression and sleeping difficulties. He was prescribed with antidepressant medication and engaged with health promotion groups.

Detention incidents

19 May 2015 – 2 April 2017	Incident Reports recorded that Mr X was allegedly involved in incidences of abusive and aggressive behaviour, assault and causing disturbance.
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Other matters

The Department of Home Affairs advised that Mr X's family live in Queensland and that his mother and older brother are Australian citizens. Mr X advised that he is in a relationship with an Australian citizen and that they have a minor child.

Case status

Mr X was detained on 11 May 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two and a half years.

On 30 January 2015 Mr X's Women at Risk visa was cancelled under s 501 and on 30 August 2016 the Assistant Minister declined to revoke the cancellation.

Mr X applied for judicial review on 12 October 2016 and on 15 August 2017 the FC quashed the Assistant Minister's decision and ordered that the matter be determined according to law.