

**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 for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1964
Ombudsman ID	1002451-O
Date of DIBP's report	21 July 2016 ¹
Total days in detention	996 (at date of DIBP's report)

Detention history

September 2010	Detained under s 189(1) of the <i>Migration Act 1958</i> after being refused immigration clearance. He was removed from Australia the same day.
26 October 2011	Detained under s 189(1) following his arrest on criminal charges. He was held at Parklea Correctional Centre Alternative Place of Detention.
23 December 2013	Transferred to Villawood Immigration Detention Centre after being released on bail.
16 July 2014	Released from immigration detention and transferred to Silverwater Correctional Complex.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that between 14 February 2009 and 15 September 2010 Mr X arrived in Australia on eight occasions on Tourist visas.	
30 April 2009	Lodged a Protection visa application under the name of Mr Y.
26 March 2010	Protection visa application refused.
15 September 2010	Mr X arrived in Australia on a Tourist visa but was refused immigration clearance. On 16 September 2010 his visa was cancelled under s 116 and he was removed from Australia.
29 May 2011	Arrived in Australia on an Electronic Travel Authority (ETA) associated with a Country B passport in the name of Mr Z.
28 July 2011	Lodged a second Protection visa application.
15 August 2011	Mr X was arrested and remanded in custody.
29 August 2011	Mr X's ETA ceased and he became an unlawful non-citizen.
26 October 2011	Detained under s 189(1) after being held in remand for criminal charges.

¹ DIBP advised that due a departmental system error an initial period of time that Mr X spent at Parklea Correctional Complex on remand was not recorded as time spent in immigration detention. As a result, reviews of the circumstances of Mr X's detention were not provided to the Ombudsman at 24-months and 30-months. On 21 July 2016 DIBP provided a combined 24-month and 30-month review.

22 March 2012	Second Protection visa application refused.
13 December 2013	Mr X was issued with a Criminal Justice Stay Certificate.
7 January 2014	DIBP advised that an application for a Criminal Justice Stay visa lodged by the New South Wales Director of Public Prosecutions was refused.
24 January 2014	A DIBP Identity Verification Team conducted an Identity Confirmation Assessment which found that the photograph in the passport used by Mr X did not match Country B records.

Criminal history

DIBP advised that Mr X has previous convictions for passport and credit card fraud in Country B.	
25 September 2014	Mr X was convicted of criminal offences relating to identity fraud and other criminal activity. He was sentenced to 11 years imprisonment with a non-parole period of eight years and three months.
1 September 2015	Mr X was convicted of three counts of obtaining money by deception. He was sentenced to two years and six months imprisonment. Mr X appealed his sentence and the case is scheduled to be heard at a Court of Criminal appeal on 9 December 2016.
17 September 2015	Mr X was refused bail. In combination with his previous conviction, Mr X's earliest estimated date of release is currently 12 November 2020.

Health and welfare

DIBP did not provide an International Health and Medical Services Health Summary Report for Mr X.

Case status

Mr X has been found not to be owed protection under the Refugee Convention. Mr X is currently serving a custodial sentence. His estimated earliest date of release is currently 12 November 2020.
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