

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

Under s 486O of the Migration Act 1958

This is the fifth s 486O report on Mr X who remained in restricted immigration detention for a cumulative period of more than 48 months (four years).

The combined first, second and third report 402/08 was tabled in Parliament on 14 May 2008 and the fourth report 542/09 was tabled in Parliament on 17 June 2009. 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	1970
Ombudsman ID	000408-O
Date of DIBP's report	25 May 2016
Total days in detention	1478 (at date of DIBP's report)

Recent detention history

11 April 2016	Re-detained under s 189(1) of the <i>Migration Act 1958</i> for a second time upon his release from a correctional centre and transferred to Facility A.
5 October 2016	The cancellation of Mr X's Return Pending Bridging visa (RPBV) was revoked and he was released from immigration detention.

Recent visa applications/case progression

28 April 2009	Mr X lodged an application in the Federal Court seeking a declaration that he had been unlawfully detained and seeking an order in the nature of habeas corpus for his release from immigration detention. On 24 August 2009 Mr X withdrew the application.
12 May 2009	The Minister intervened under s 195A to grant Mr X a RPBV. In making this decision the Minister indicated he would reconsider Mr X's case in 12 months.
20 May 2010 and 11 July 2012	The Department of Immigration and Citizenship (the department) advised Mr X that a review of his case was being undertaken as part of the ongoing management of his RPBV. On 16 June 2011 and 9 May 2013 the Minister declined to intervene in Mr X's case under s 417. On each occasion the Minister requested that Mr X's case be referred for his consideration after a further 12 months. The department then periodically reviewed Mr X's case.
6 April 2016	Mr X's RPBV was cancelled under s 501 as he failed to meet the character test.
11 April 2016	Released from prison and detained under s 189.

5 May 2016	The department acknowledged receipt of Mr X's representations dated 14 April 2016 regarding revocation of the decision to cancel his visa. The department stated on 25 May 2016 that the matter remained ongoing at that time.
5 October 2016	Cancellation of RPBV revoked.

Criminal history

27 November 2014	Convicted of breaking and entering a dwelling with intention to steal. He was sentenced to 10 months imprisonment commencing 10 October 2015
13 January 2015	Convicted of being armed with the intention of committing an indictable offence and possession of housebreaking implements. He was sentenced to 18 months imprisonment on each offence, commencing 9 March 2015.
12 February 2015	Convicted of assault occasioning actual bodily harm. He was sentenced to 14 months imprisonment commencing 12 February 2015.

Health and welfare

International Health and Medical Services (IHMS) advised that on 13 April 2016 Mr X reported to its general practitioner that he was previously an intravenous drug user and had started on methadone prior to his re-detention. This was continued and administered to him as prescribed. On the same day Mr X also disclosed a history of depression prior to his re-detention and the medication for this condition was continued during his detention. He also reported short-term memory loss from a brain injury in 1995 for which he did not require any management. IHMS further advised that following his re-detention Mr X was on a care plan for hepatitis C.

Case status

The cancellation of Mr X's RPBV was revoked on 5 October 2016 and he was released from immigration detention.