

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 a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1989
Ombudsman ID	1002643-O
Date of DIBP's reports	19 April 2017 and 18 October 2017
Total days in detention	912 (at date of DIBP's latest report)

Detention history

20 April 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa under s 501. He was transferred to Maribyrnong Immigration Detention Centre (IDC).
28 May 2015	Transferred to Christmas Island IDC.
5 November 2015	Transferred to Yongah Hill IDC.
1 March 2016	Transferred to Christmas Island IDC.

Visa applications/case progression

Mr X arrived in Australia on 14 July 2010 on a Refugee and Humanitarian visa.	
11 March 2015	Refugee and Humanitarian visa cancelled under s 501 following criminal convictions.
2 April 2015	Mr X's representative requested that the visa cancellation be revoked under s 501.
29 August 2016	The Minister decided not to revoke the cancellation.
10 September 2016	Applied to the Federal Circuit Court for judicial review.
26 October 2016	Mr X's application was transferred to the Federal Court (FC).
1 February 2017	The FC adjourned the matter. On 18 October 2017 the Department of Immigration and Border Protection (the department) advised that Mr X's case is likely to be affected by a High Court (HC) case ¹ that is listed for hearing on 17 November 2017. The department also advised that a hearing of Mr X's FC matter is likely to be scheduled on the conclusion of the HC case.

¹ *BCR16 v Minister of Immigration and Border Protection* [2017] (FCAFC 96).

Criminal history

December 2010	Found guilty of multiple offences, including threatening to kill and recklessly causing injury, and placed on a partially suspended sentence of 180 days imprisonment.
9 September 2011	Convicted of multiple offences, including rape and indecent assault, and sentenced to six years and two months imprisonment with a non-parole period of four years.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was provided with treatment for sleeping difficulties, irritability and anger concerns. His condition improved while he was placed at Yongah Hill IDC as he resided closer to family, however he required further treatment following his transfer to Christmas Island IDC. In April 2017 he advised that he continued to experience difficulty sleeping, but had ceased taking his prescribed medication. His condition was monitored by a general practitioner.

Other matters

The department advised that Mr X's father and siblings reside in Victoria.

Case status

Mr X was detained on 20 April 2015 following his release from a correctional facility and has been held in an immigration detention facility for more than two and a half years.

Mr X's permanent visa was cancelled under s 501 on 11 March 2015 and on 29 August 2016 the Minister decided not to revoke this decision. At the time of the department's latest report Mr X was awaiting the outcome of judicial review.