

## 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A, born in Country B
<b>Year of birth</b>	1980
<b>Ombudsman ID</b>	2000010-O
<b>Date of department's reports</b>	4 June 2017 and 3 December 2017
<b>Total days in detention</b>	912 (at date of department's latest report)

### Detention history

5 June 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Facility C.
1 August 2017	Transferred to Facility D.

### Visa applications/case progression

Mr X arrived in Australia on 4 December 1994 on a family visitor visa and was subsequently granted multiple bridging visas.	
14 December 1994	Mr X's grandmother lodged a Protection visa application with Mr X listed as a dependent.
15 November 2002	Protection visa application refused.
25 November 2002	Applied to the Refugee Review Tribunal (RRT) for merits review. On 22 May 2003 the RRT affirmed the original decision.
10 November 2004	The Minister declined to intervene under s 417 to for the Minister to substitute a more favourable decision.
5 July 2005	Lodged a Close Ties visa application.
1 June 2015	Bridging visa cancelled under s 501 and Close Ties visa application refused under s 501.
1 July 2015	Mr X lodged a Request for Revocation of Cancellation.
30 June 2016	A delegate of the Minister decided not to revoke the cancellation of Mr X's bridging visa.
18 July 2016	Applied to the Administrative Appeals Tribunal (AAT) for merits review of the delegate's decision. On 16 June 2017 the AAT affirmed the original decision.
3 December 2017	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway.  The department further advised that it is working with the authorities of Country A to progress Mr X's removal.

### **Criminal history**

1996 – 2008	Convicted of multiple offences, including theft, assault and drug-related charges. He was issued with fines, good behaviour bonds, and community-based orders and sentenced to periods of imprisonment in a youth detention training centre and correctional facility.
March 2009	Convicted of two armed robbery offences and sentenced to three years imprisonment on each charge.
March 2011	Convicted of an armed robbery offence and sentenced to one year imprisonment. He was released on parole on 8 February 2012.
October 2012	Convicted of breaching parole and sentenced to more than two years imprisonment.

### **Health and welfare**

<p>International Health and Medical Services (IHMS) advised that Mr X received treatment for drug addiction, hepatitis C, gallstones and chronic dermatitis. He was diagnosed with hepatitis C and commenced on opioid replacement therapy prior to his arrival in immigration detention and was monitored by a general practitioner and specialists. In September 2017 investigative testing identified a large gallstone and he was referred to a general surgeon for review.</p> <p>IHMS further advised that Mr X disclosed a history of depression and torture and trauma and attended specialist counselling.</p>	
27 September 2017	An Incident Report recorded that Mr X refused food and fluid.

### **Case status**

<p>Mr X was detained on 5 June 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two and a half years.</p> <p>On 1 June 2015 Mr X's bridging visa was cancelled under s 501 and on 30 June 2016 a delegate of the Minister decided not to revoke this decision.</p> <p>On 18 July 2016 Mr X applied to the AAT for merits review and on 16 June 2017 the AAT affirmed the delegate's decision.</p> <p>Mr X has no matters before the department, the courts or tribunals and is on a removal pathway.</p>
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