

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	1987
Ombudsman ID	1002728-O
Date of department's reports	2 August 2017 and 31 January 2018
Total days in detention	912 (at date of department's latest report)

Detention history

3 August 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 B.
28 August 2015	Transferred to Facility C.

Visa applications/case progression

Mr X arrived in Australia on 23 December 1995 on a permanent visa.	
4 August 2010	Issued with a Notice of Intention to Consider Cancellation of his permanent visa under s 501.
27 September 2010	Mr X was notified that a delegate of the Minister declined to cancel his permanent visa under s 501 and instead issued him with a warning letter advising that further criminal convictions could result in the cancellation of his visa.
14 July 2015	Permanent visa mandatorily cancelled under s 501.
28 July 2015	Mr X lodged a Request for Revocation of Cancellation. On 19 August 2016 the Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
29 September 2016	Requested removal from Australia.
6 October 2016	Applied to the Federal Circuit Court for judicial review of the Minister's decision not to revoke the cancellation of his visa. The matter was transferred to the Federal Court (FC) on 14 November 2016.
2 December 2016 and 22 March 2017	FC adjourned.
13 December 2016	Withdrew request for removal.
8 May 2017	FC adjourned Mr X's matter pending the outcome of another matter at the Full Federal Court.

Criminal history

September 2006 – March 2009	Convicted of multiple offences, including theft, burglary and failure to comply with a community based order. He received multiple fines and was placed on community based and intensive corrective orders.
October 2009 – June 2010	Convicted of multiple offences, including criminal damage, recklessly causing injury and three counts of aggravated burglary. He was ordered to pay compensation, received a fine and was sentenced to multiple terms of imprisonment.
May 2012 – February 2013	Convicted of multiple offences, including robbery and assaulting police, and sentenced to multiple terms of imprisonment.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X disclosed a history of anxiety, drug and alcohol abuse. In April 2017 he also presented with poor sleep, low appetite and distress related to his mother's health and was prescribed with medication. In November 2017 IHMS reported that Mr X had declined to engage with the mental health team.

IHMS further advised that Mr X received treatment for hepatitis C and regularly attended investigative testing to monitor his condition. He was referred to a gastroenterologist in December 2015 and August 2016 and was awaiting an appointment at the time of IHMS's latest report.

Other matters

Mr X's mother, grandmother, siblings and numerous extended family members reside in the Australian community.

Case status

Mr X was detained on 3 August 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two and a half years.

Mr X's permanent visa was mandatorily cancelled under s 501 on 14 July 2015 and on 19 August 2016 the Minister decided not to revoke the decision to cancel his visa. At the time of the Department of Home Affairs' latest report, Mr X was awaiting the outcome of judicial review.