

Our ref: 486N-1000854-O2

12 April 2019

The Hon David Coleman MP
Minister for Immigration, Citizenship and Multicultural Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister

Assessments under s 486O of the *Migration Act 1958*

In accordance with s 486O of the *Migration Act 1958* (the Act) I am forwarding my assessment concerning 32 cases on the schedule (**Attachment A**) regarding 35 individuals who fall within the reporting and assessment obligation imposed by Part 8C of the Act.

My Office has assessed the appropriateness of the immigration detention arrangements of the 32 cases on the schedule and has made no recommendations. The Act also requires that I prepare this de-identified statement for tabling in Parliament.

As part of this assessment my Office reviewed information relating to each individual's case progression, detention placement, legal matters and health and welfare. When required, further information was requested under s 486Q of the Act or s 8 of the *Ombudsman Act 1976*.

I note that 32 of the 35 individuals have either previously been detained or continue to be detained for immigration purposes while serving a custodial sentence in a correctional facility. The Department of Home Affairs (the Department) does not provide case management and health and welfare services to individuals who are placed in a correctional facility. In the absence of further information from the Department I am unable to assess the appropriateness of the arrangements of an individual's immigration detention while placed in a correctional facility.

While I have not made any specific recommendations, I make the general point that it is highly desirable that as non-citizen prisoners approach the end of their custodial sentence, the Department seeks to resolve their immigration status so that they are either granted a visa upon release or their departure from Australia is expedited.

Yours sincerely



Michael Manthorpe PSM
Commonwealth Ombudsman

Influencing systemic improvement in public administration

SCHEDULE
Assessments of people placed in immigration detention for more than two years

When coming to this assessment, the Office reviewed information relating to each individual's case progression, detention placement, legal matters and health and welfare. Additionally, when required, further information was requested under s 486Q of the Act or s 8 of the *Ombudsman Act 1976*.

No	Ombudsman ID	Recommendations	Name	No. of People	Year of birth	Days in detention ¹	Detention status ²	Date of 486N report	Date last assessment tabled
1	1000854-O2	0	Mr X	1	1977	2,740	CF	17 June 2018 and 19 December 2018	25 June 2018
2	1001037-O3	0	Mr X Ms X (wife) Master X (son) Master X (son)	4	1972 1973 1998 2001	2,189 2,189 2,373 2,189	BV BV CF BV	26 June 2018 and 18 December 2018	25 June 2018
3	1002096-O1	0	Mr X	1	1992	913	CF	19 November 2018	Awaiting Tabling
4	1002281-O2	0	Mr X	1	1990	1,644	CJSV	9 July 2018	9 May 2018
5	1002634-O2	0	Mr X	1	1989	1,287	CF	9 October 2018	Awaiting Tabling
6	1002641-O2	0	Mr X	1	1993	1,277	CF	16 October 2018	Awaiting Tabling
7	1002671-O2	0	Ms X	1	1975	1,279	Removed	7 November 2018	13 February 2019
8	1002685-O1	0	Mr X	1	1987	1,094	CF	24 May 2018	21 March 2018
9	1002706-O1	0	Mr X	1	1985	1,277	CJSV	4 July 2018 and 3 January 2019	9 May 2018
10	1002709-O1	0	Mr X	1	1981	1,288	CJSV	6 July 2018 and 14 January 2019	9 May 2018
11	1002807-O2	0	Mr X	1	1966	1,095	CF	28 November 2018	Awaiting Tabling
12	1002824-O1	0	Mr X	1	1970	1,099	CJSV	29 June 2018 and 2 January 2019	25 June 2018
13	1002829-O1	0	Mr X	1	1982	912	CF	18 July 2018	9 May 2018
14	1002840-O1	0	Mr X	1	1982	1,107	CF	28 February 2019	26 November 2018
15	1002852-O1	0	Mr X	1	1979	914	CJSV	3 September 2018	25 June 2018
16	1002866-O1	0	Mr X	1	1989	912	CF	24 September 2018	26 November 2018
17	1002894-O1	0	Mr X	1	1959	910	CF	29 October 2018	13 February 2019
18	1002895-O1	0	Mr X	1	1966	918	CF	6 November 2018	13 February 2019
19	1002898-O1	0	Mr X	1	1990	913	CJSV	5 November 2018	13 February 2019
20	1002916-O1	0	Ms X	1	1971	912	CF	29 November 2018	Awaiting Tabling
21	1002936-O1	0	Mr X	1	1996	912	CF	5 January 2019	21 February 2019
22	1002957-O	0	Mr X	1	1963	922	CF	13 August 2018 and 19 February 2019	First Assessment
23	1002967-O	0	Ms X	1	1981	919	CF	31 August 2018 and 8 March 2019	First Assessment

¹ At date of the Department's latest report.

² Bridging visa (BV), Correctional Facility (CF), Community Justice Stay visa (CJSV) and Removed.

Attachment A

No	Ombudsman ID	Recommendations	Name	No. of People	Year of birth	Days in detention ¹	Detention status ²	Date of 486N report	Date last assessment tabled
24	1002990-O	0	Mr X	1	1981	730	CF	25 October 2018	First Assessment
25	1002992-O	0	Ms X	1	1960	751	CF	8 November 2018	First Assessment
26	1002993-O	0	Mr X	1	1993	732	CF	5 November 2018	First Assessment
27	1003008-O	0	Mr X	1	1995	742	CF	7 December 2018	First Assessment
28	1003019-O	0	Mr X	1	1985	730	CJSV	7 December 2018	First Assessment
29	1003023-O	0	Mr X	1	1990	730	CF	16 December 2018	First Assessment
30	1003025-O	0	Mr X	1	1976	730	CF	16 December 2018	First Assessment
31	1003030-O	0	Mr X	1	1989	713	CJSV	17 December 2018	First Assessment
32	1003058-O	0	Mr X	1	1988	735	CF	22 February 2019	First Assessment