

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 remained in immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1963
Ombudsman ID	1002686-O
Date of department's report	27 May 2017
Total days in detention	857 (at date of removal)

Detention history

14 April 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.
13 August 2015 – 7 May 2016	Transferred four times between various immigration detention facilities.
August 2017	Removed from Australia.

Visa applications/case progression

Mr X arrived in Australia in July 1995 on a temporary visa. He was granted a Protection visa in 1997 and resided in Australia on a permanent resident visa from March 1997.	
June 1999 – June 2008	Mr X was refused Australian citizenship on character grounds on three occasions. He applied to the Administrative Appeals Tribunal (AAT) for merits review on two occasions and the AAT affirmed both decisions.
December 2003 – August 2014	Granted three Resident Return visas.
17 March 2015	Permanent resident visa and Resident Return visa mandatorily cancelled under s 501 due to his substantial criminal record.
30 March 2015	Mr X lodged a Request for Revocation of Cancellation. On 8 April 2016 the Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
8 July 2016 and 6 October 2016	The Federal Circuit Court (FCC) dismissed Mr X's applications for judicial review of the Minister's decision.
1 May 2017	Lodged a Protection visa application.
18 May 2017	The Full Federal Court dismissed an application for judicial review of the FCC's decision.

Criminal history

Mr X has a substantial criminal record in Australia including offences of theft, trespass, assault, contravention of an Apprehended Domestic Violence Order, resisting and hindering police officers, larceny, property damage, driving offences and embezzlement. Mr X was cumulatively sentenced to more than four years and five month's imprisonment.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X had a history of bipolar disorder, self-harm and sleeping difficulties. Mr X was diagnosed with an adjustment disorder with depressed mood and anxiety in October 2016 and was prescribed with medication. Mr X engaged with the mental health team for supportive counselling as required.

IHMS further advised that Mr X was provided with treatment and reviewed by specialists as required for dental concerns and foot, hip, shoulder and chest pain.

12 August 2015	An Incident Report recorded that Mr X threatened self-harm regarding a possible transfer to Facility C.
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Other matters

12 May 2016	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman (the Office) in relation to the loss of personal property during the riots at Facility C. The Office investigated the matter and the department advised that Mr X's claim would be referred to an insurance agency for investigation. On 2 December 2016 the Office notified the department that the investigation had been finalised.
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Mr X's wife, daughter and son are Australian citizens and reside in the community.

Case status

Mr X was detained on 14 April 2015 following his release from a correctional facility and remained in an immigration detention facility for more than two years.

Mr X was released from immigration detention when he was involuntarily removed from Australia in August 2017.