

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, born in Country B
Year of birth	1988
Ombudsman ID	1002778-O
Date of department's report	6 October 2017
Total days in detention	730 (at date of department's report)

Detention history

6 October 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa under s 501. He was detained while serving a custodial sentence at a correctional facility. ¹
December 2017	Voluntarily departed Australia.

Visa applications/case progression

Mr X arrived in Australia on 2 June 2003 on a permanent visa.	
27 May 2011	The Department of Home Affairs (the department) notified Mr X that his visa may be liable for cancellation under s 501 on character grounds.
1 June 2012	The department declined to cancel Mr X's visa and instead issued him with a warning letter advising that further criminal convictions could result in the cancellation of his visa.
1 October 2015	Permanent visa mandatorily cancelled under s 501.

Criminal history

January 2007 – March 2013	Convicted of numerous offences, including driving a vehicle without a licence, stealing, assault and robbery. He was sentenced to multiple terms of imprisonment and received multiple fines.
July 2013	Convicted of multiple offences, including assault and driving offences. He was sentenced to four years, nine months and 19 days imprisonment that was taken to have commenced on 18 February 2011. His estimated earliest date of release was 23 November 2017.

¹ On 6 October 2017 the department advised that Mr X continued to be detained under s 189(1) while he was placed in a correctional facility serving a custodial sentence.

Health and welfare

The department advised that Mr X's health and welfare was managed by Corrective Services, State C.

Other matters

Mr X's estranged wife and three children reside in the Australian community.

Case status

Mr X was detained on 6 October 2015 following the cancellation of his visa under s 501 and remained in immigration detention in a correctional facility for more than two years.

Mr X was released from immigration detention when he voluntarily departed Australia in December 2017.