

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 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	4 August 1985
Ombudsman ID	1002718-O
Date of department's reports	19 July 2017 and 17 January 2018
Total days in detention	912 (at date of department's latest report)

Detention history

20 July 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa. He was transferred to Facility B.
3 May 2016	Transferred to a correctional facility. ¹
February 2018	Voluntarily departed Australia.

Visa applications/case progression

Mr X arrived in Australia on 26 May 2012 on a working holiday visa. He was subsequently granted multiple visas from May 2013 to October 2014, including bridging visas and a visitor visa.	
24 December 2014	Lodged a Combined Partner visa application and granted a bridging visa.
20 July 2015	Bridging visa cancelled under s 116.
30 July 2015	Issued with a Criminal Justice Stay Certificate by the State C Director of Public Prosecutions.
31 July 2015	Mr X withdrew his application with the Administrative Appeals Tribunal for merits review of the cancellation of his visa.
30 July 2015	Lodged a Criminal Justice Stay visa (CJSV) application.
26 August 2015	Combined Partner visa application refused.
11 September 2015	CJSV application refused.

Criminal history

May 2016	Convicted of a number of offences. He was sentenced to four years and six months imprisonment with a non-parole period of two years and six months. His earliest estimated date of release was January 2018.
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¹ On 19 July 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

International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma in July 2015 and reported thoughts of self-harm in September 2015. He engaged with the mental health team and was regularly reviewed by an IHMS psychologist while held at Facility B.

IHMS further advised that Mr X received treatment for a knee injury.

Following his transfer to a correctional facility, Mr X's health and welfare was managed by Corrective Services, State C.

Other matters

Mr X's wife is an Australian citizen and resides in the community.

Case status

Mr X was detained on 20 July 2015 following the cancellation of his visa and remained in immigration detention, in an immigration detention facility and a correctional facility, for more than two years.

Mr X was released from immigration detention when he voluntarily departed Australia in February 2018.