

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	1969
Ombudsman ID	1002742-O
Date of department's report	18 August 2017
Total days in detention	730 (at date of department's report)

Detention history

19 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 Villawood Immigration Detention Centre.
16 February 2016 – 24 January 2017	Transferred three times between various immigration detention facilities.
December 2017	Voluntarily departed Australia.

Visa applications/case progression

Mr X last arrived in Australia on 30 October 2002 on a permanent visa.	
1 April 2010 and 7 October 2013	Issued with a Notice of Intention to Consider Cancellation of his permanent visa under s 501 following criminal convictions.
11 October 2010	Issued with a warning letter advising that further criminal convictions could result in the cancellation of his visa.
31 July 2015	Permanent visa mandatorily cancelled under s 501.
20 August 2015	Mr X lodged a Request for Revocation of Cancellation. On 16 September 2016 the Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
16 November 2016	The Federal Circuit Court dismissed Mr X's application for judicial review of the cancellation of his visa under s 501.
13 February 2017	Applied to the Federal Court (FC) for judicial review of the cancellation of his visa under s 501.
16 October 2017	The FC adjourned the application pending the outcome of another matter.

Criminal history

November 2002 – February 2013	Convicted of numerous offences, including drug offences, driving offences and recklessly causing grievous bodily harm. He received numerous fines and was sentenced to multiple terms of imprisonment.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was referred to a psychiatrist after he presented to a general practitioner with symptoms of depression. In January 2016 a psychiatrist noted that Mr X had an antisocial personality disorder and history of drug and alcohol dependence and he was commenced on antipsychotic medication. His condition was monitored by the mental health team and he attended group counselling as required.

IHMS further advised that Mr X commenced treatment for hepatitis C in July 2016 and follow-up investigative testing confirmed that the treatment had been successful. He also received treatment for a knee injury and was awaiting an appointment with an orthopaedic specialist at the time of IHMS's report.

Other matters

Mr X's partner and two children reside in the Australian community.

Case status

Mr X was detained on 19 August 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 voluntarily departed Australia in December 2017.