

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 a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002785-O
Date of department's report	17 October 2017
Total days in detention	730 (at date of department's report)

Detention history

13 June 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to Christmas Island Immigration Detention Centre (IDC).
7 July 2012 – 1 August 2012	Transferred twice between various immigration detention facilities.
16 October 2012	Granted a bridging visa and released from immigration detention.
19 February 2016	Re-detained under s 189(1) following the cancellation of his visa. He was transferred to Maribyrnong IDC.
17 March 2016 – 15 June 2017	Transferred three times between various immigration detention facilities.
January 2018	Voluntarily departed Australia.

Visa applications/case progression

2012	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
16 October 2012 and 21 December 2012	Granted bridging visas.
7 November 2012	Lodged a Protection visa application.
4 February 2014	Protection visa application refused.
12 June 2015	The Refugee Review Tribunal remitted Mr X's Protection visa application to the Department of Home Affairs (the department) with the direction there were substantial grounds for believing that, as a necessary and foreseeable consequence of him being removed from Australia to Country A, there was a real risk he would suffer significant harm.
19 February 2016	Bridging visa cancelled under s 116.
1 November 2016	Following legislative amendment, Mr X's Protection visa application was deemed to be a Temporary Protection visa (TPV) application.

26 July 2017	Issued with a Notice of Intention to Consider Refusal of his TPV application under s 501 following criminal convictions.
3 October 2017	TPV application refused under s 501.
12 October 2017	Applied to the Administrative Appeals Tribunal for merits review of the refusal of his TPV application.

Criminal history

May 2017	Convicted of two child pornography offences and placed on the sex offenders register for eight years. He received a corrections order for one year and six months and was ordered to complete 100 hours of unpaid community service.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X presented with poor sleep, detention fatigue and situational anxiety and intermittently attended counselling. He disclosed a history of torture and trauma in April 2016 and attended specialist counselling.

IHMS further advised that Mr X received treatment for knee pain and a stomach bacterial infection.

Case status

Mr X was detained on 13 June 2012 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than two years.

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