

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 has remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1956
Ombudsman ID	2000012-O
Date of department's reports	4 June 2017 and 6 December 2017
Total days in detention	915 (at date of department's latest report)

Detention history

5 June 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.
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Visa applications/case progression

Mr X arrived in Australia on 24 November 2001 on an Electronic Travel Authority visa. He was subsequently granted a bridging visa and Partner (Temporary) visa.	
8 August 2012	Granted a Partner (Residence) visa.
6 September 2013	Issued with a Notice of Intention to Consider Cancellation of his Partner (Residence) visa under s 501 following criminal convictions.
3 February 2014	The Minister declined to cancel Mr X's Partner (Residence) visa under s 501 and instead issued him with a warning letter.
26 May 2015	Partner (Residence) visa mandatorily cancelled under s 501.
19 June 2015	Mr X lodged a Request for Revocation of Cancellation. On 18 March 2016 the Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
18 May 2016	Lodged a bridging visa application which was deemed invalid the following day.
6 February 2017	The Federal Court dismissed Mr X's application for judicial review of the Assistant Minister's decision to not revoke the cancellation of Mr X's visa.
3 May 2017	Applied to the Full Federal Court for judicial review. The matter was adjourned pending the decision of the High Court in another matter.

Criminal history

The Department of Home Affairs (the department) advised that Mr X has numerous convictions for stalking, intimidation, destruction of property and traffic offences.
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October 2006	Convicted of contravening an Apprehended Domestic Violence Order (ADVO) and sentenced to one year imprisonment suspended on entering a good behaviour bond.
February 2013	Convicted of contravening an ADVO and sentenced to nine months imprisonment suspended on entering a good behaviour bond.
March 2015	Convicted of contravening an ADVO and using a carriage service to menace, harass or offend. He was sentenced to one year imprisonment with a three month non-parole period.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X disclosed a history of depression and was regularly provided with support from the mental health team to manage stress associated with his children and their wellbeing. Mr X presented with low mood regarding his health concerns and immigration pathway and IHMS reported that he isolates himself to avoid being aggravated by others in his compound. In December 2016 he was diagnosed with an adjustment disorder with depressed mood and was prescribed with medication. A psychiatrist advised that Mr X would respond well to regular therapy but he has declined to engage.

IHMS further advised that Mr X received treatment and was reviewed by specialists for the management of deep vein thrombosis, back and knee pain, a thyroid condition, gastrological concerns and sleep apnoea. Mr X was admitted to hospital in July 2015 and February 2017 for treatment of a recurring blood clot and was reviewed by a haematologist as required.

26 August 2016	An Incident Report recorded that Mr X was transported to hospital by ambulance following abdominal pains.
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Other matters

Mr X has two Australian citizen children who reside with their Australian citizen mother, from whom Mr X is now separated.

Case status

Mr X was detained on 5 June 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two and a half years.

Mr X's Partner (Residence) visa was cancelled under s 501 on 26 May 2015. On 18 March 2016 the Assistant Minister decided not to revoke the cancellation Mr X's visa.

At the time of the department's latest report Mr X was awaiting the outcome of judicial review.