

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 Ms X who has remained in immigration detention for a cumulative period of more than 30 months (two and a half years).

Name	Ms X
Citizenship	Country A
Year of birth	1975
Ombudsman ID	1002671-O
Date of department's reports	7 May 2017 and 5 November 2017
Total days in detention	912 (at date of department's latest report)

Detention history

8 May 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> while remanded at a correctional facility. She remains at a correctional facility. ¹
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Visa applications/case progression

Ms X arrived in Australia on 30 December 1994 on a visa.	
20 January 2015	Visa cancelled under s 501. Ms X was notified of this decision on 1 May 2015 and again on 20 May 2015.
8 May 2015	Requested voluntary removal from Australia.
3 July 2015	Ms X lodged a Request for Revocation of Cancellation. On 10 July 2015 she was notified that she had not requested revocation within the prescribed period of time.
12 September 2016	Ms X was re-notified of the original visa cancellation decision after the Department of Immigration and Border Protection (the department) determined that she was not correctly notified on 20 May 2015. The department advised that this re-notification gave Ms X the opportunity to seek revocation of the decision, however the department had not received any correspondence from Ms X.

Criminal history

October 2014	Ms X was sentenced to seven years imprisonment for manslaughter, with a parole eligibility date of May 2015. The department advised that Ms X had been unsuccessful in being granted parole and her full-time release date was January 2020.
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¹ On 5 November 2017 the department advised that Ms X continues to be detained under s 189(1) while she is placed in a correctional facility serving a custodial sentence.

Health and welfare

The department advised that Ms X's health and welfare is managed by the Department of Corrective Services, State B.

Other matters

Ms X has three adult children and five minor children who reside in Australia. The minor children are in state care.

Ombudsman assessment

Ms X was detained on 8 May 2015 while remanded at a correctional facility and has remained in immigration detention for more than two and a half years.

Ms X is currently serving a custodial sentence and remains in immigration detention. Her full-time release date is January 2020.

The Ombudsman notes with concern that in the absence of any health and welfare information provided by the department, the Ombudsman is unable to assess the adequacy of healthcare provided to Ms X during this assessment period.