

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who has remained in immigration detention for more than 48 months (four years). The previous assessment 1002281-O was tabled in Parliament on 23 November 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1002281-O1
Date of department's reports	7 July 2017 and 4 January 2018
Total days in detention	1,458 (at date of departments latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility C.	
29 September 2016	Transferred to a correctional facility. ¹

Recent visa applications/case progression

Mr X is currently serving a sentence of five and a half years with a non-parole period of three and a half years.

Criminal history

September 2016	Sentenced to five and a half years imprisonment with a minimum non-parole period of three and a half years for foreign incursion offences. The court ordered that Mr X's period of pre-sentence detention be included in the calculation of his sentence.
June 2017	The Attorney-General refused to release Mr X on parole.
4 January 2018	The Department of Home Affairs (the department) advised that Mr X would next be considered for parole by 21 June 2018.

Health and welfare

International Health and Medical Services advised that prior to his placement in a correctional facility Mr X continued to be treated for hepatitis B. The department advised that Mr X's health and welfare is currently managed by Corrective Services, State B.

¹ On 4 January 2018 the department advised that Mr X continues to be detained under s 189(1) while he is placed in a correctional facility serving a custodial sentence.

Case status

Mr X was detained on 7 January 2014 following the cancellation of his Country A passport on national security grounds and the cancellation of his visa under s 116 of the *Migration Act 1958*. He has remained in immigration detention, both in a detention facility and a correctional facility, for more than four years.

Mr X is currently serving a custodial sentence and remains in immigration detention.