

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	1983
Ombudsman ID	1002692-O
Date of department's report	25 May 2017
Total days in detention	766 (at 20 April 2017)

Detention history

16 March 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.
18 November 2015	Transferred to a correctional facility. ¹
11 June 2016	Transferred to Facility B.
April 2017	Voluntarily departed Australia.

Visa applications/case progression

Mr X arrived in Australia on 29 March 2008 on a travel visa and was subsequently granted a number of student and student guardian visas.	
15 March 2013	Student guardian visa ceased and Mr X remained unlawfully in the community.
23 March 2015	Lodged a bridging visa application which was refused on 26 March 2015. Lodged a Vocational Education Sector visa with associated waiver. The waiver was refused on 14 April 2015.
7 April 2015	The Migration Review Tribunal affirmed the refusal of Mr X's bridging visa application.
28 April 2015 and 9 June 2015	Lodged Vocational Education Sector visa applications with associated waivers which were refused on 26 May 2015 and 9 July 2015 respectively.
28 April 2015 and 13 June 2016	Lodged bridging visa applications. The first application was withdrawn on 29 April 2015 and the second application was refused on 15 June 2016.
7 September 2015	Issued a Criminal Justice Stay Certificate and lodged an application for a Criminal Justice Stay visa.
16 September 2015	Criminal Justice Stay visa application refused.
30 June 2016	Lodged a Combined Partner visa application which was deemed invalid on 1 July 2016.

¹ On 25 May 2017 the department advised that Mr X continued to be detained under s 189(1) while he was placed in a correctional facility serving a custodial sentence.

7 September 2016	Lodged a bridging visa application which was refused under s 501 on 2 December 2016.
2 February 2017	Criminal Justice Stay Certificate cancelled by the Department of Public Prosecutions.
10 February 2017	The Administrative Appeals Tribunal affirmed the decision to refuse Mr X's bridging visa application under s 501.
16 February 2017	Requested removal from Australia.

Criminal history

August 2014	Located by police, charged with drug related offences and transferred to a correctional facility.
December 2015	Convicted of drug related and property offences and sentenced to one year and four months imprisonment to be served concurrently with a second sentence of two months imprisonment.

Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues.

Other matters

Mr X's wife and daughter are Australian citizens.

Case status

Mr X was detained on 16 March 2015 following his release from a correctional facility and remained in immigration detention, both in a detention facility and correctional facility, for more than two years.
Mr X was released from immigration detention when he voluntarily departed Australia in April 2017.