

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	1980
Ombudsman ID	1002716-O
Date of department's report	17 July 2017
Total days in detention	731 (at date of department's report)

Detention history

11 March 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa under s 116. He was transferred to Yongah Hill Immigration Detention Centre (IDC).
28 November 2016	Granted a bridging visa on departure grounds and released from immigration detention.
5 April 2016	Re-detained under s 189(1) after failing to depart Australia. He was transferred to Yongah Hill IDC.
October 2017	Removed from Australia.

Visa applications/case progression

Mr X arrived in Australia on 7 February 2009 on a Vocational Education and Training Sector (VETS) visa. He was granted a further VET visa on 23 February 2010.	
1 June 2011	Lodged a further VETS visa application and granted a bridging visa.
23 November 2011	VETS visa application refused as he did not meet the financial support requirements.
13 February 2014	The Migration Review Tribunal affirmed the refusal of his VETS visa application.
5 March 2014	Lodged a Protection visa application.
10 March 2014 and 25 March 2014	Granted a bridging visa.
1 December 2014	Protection visa application refused.
11 March 2015	Bridging visa cancelled under s 116 following criminal offences.
22 April 2015	The Refugee Review Tribunal (RRT) found that it did not have jurisdiction to review the refusal of his Protection visa application.
4 December 2015	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the RRT's decision.

9 February 2016	The Minister declined to intervene under s 46B to allow Mr X to lodge a second Protection visa application.
15 September 2016	The High Court dismissed Mr X's application for judicial review of the Minister's decision of 9 February 2016.
28 November 2016 – 31 March 2017	Granted four bridging visas on departure grounds, the last of which expired on 4 April 2017.
31 January 2017	The Department of Home Affairs (the department) notified Mr X of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.
6 February 2017	The department finalised the ITOA, determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
10 April 2017	Lodged a bridging visa application which was subsequently deemed invalid.
29 June 2017	The FCC dismissed Mr X's application for judicial review of the negative ITOA outcome.
17 July 2017	The department advised that Mr X had no matters before the department, the courts or tribunals and had been referred for removal action on 6 July 2017.

Other legal matters

June 2009 – August 2014	Convicted of 11 driving offences, including driving under the influence of alcohol and drugs. He received numerous fines and was disqualified from driving for multiple periods.
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Health and welfare

International Health and Medical Services advised that Mr X underwent a surgical procedure in November 2015 for a skin condition related to a previous injury.
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Other matters

Mr X's brother and sister reside in the Australian community.

Case status

Mr X was detained on 11 March 2015 following the cancellation of his visa 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 was involuntarily removed from Australia in October 2017.
