

## 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 30 months (two and a half years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1989
<b>Ombudsman ID</b>	2000016-O
<b>Date of department's reports</b>	9 June 2017 and 8 December 2017
<b>Total days in detention</b>	912 (at date of department's latest report)

### Detention history

10 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 Villawood Immigration Detention Centre (IDC).
29 June 2015	Transferred to Christmas Island IDC.
16 October 2015	Transferred to Yongah Hill IDC.
February 2018	Voluntarily departed Australia.

### Visa applications/case progression

Mr X arrived in Australia on 12 April 2009 on a student visa which ceased on 18 June 2010.	
18 June 2010	Lodged a bridging visa application which was granted on the same day. Lodged an application for extension of his student visa which was refused on 3 August 2010.
24 June 2011 and 12 March 2014	Granted a bridging visa.
14 January 2013	The Migration Review Tribunal (MRT) remitted the decision to refuse Mr X's application for extension of his student visa.
7 February 2013	Granted a student visa which ceased on 15 March 2014.
20 January 2015	Application for an extension of his student visa was refused.
12 March 2015	Granted a criminal detention bridging visa which ceased upon his release from a correctional facility on 10 June 2015.
22 June 2015	Lodged a Protection visa application with an associated bridging visa application.
24 June 2015	Associated bridging visa application refused.
3 July 2015	The MRT affirmed the refusal of Mr X's associated bridging visa application.
23 May 2016 – 5 September 2016	Lodged four applications for bridging visas which were refused.

15 August 2016	Protection visa application refused.
16 September 2016	The Administrative Appeals Tribunal (AAT) affirmed the refusal of Mr X's fourth bridging visa application.
23 November 2016	The AAT affirmed the refusal of Mr X's Protection visa.
16 January 2017	Lodged a fifth bridging visa application.
31 January 2017	Issued with a Notice of Intention to Consider Refusal of his bridging visa. Mr X provided a response on 28 February 2017.
4 April 2017	Bridging visa application refused.
13 April 2017	The Federal Circuit Court (FCC) quashed the AAT's decision to affirm the refusal of Mr X's Protection visa application.
28 June 2017	The AAT affirmed the refusal of Mr X's bridging visa application.
8 August 2017	The AAT affirmed the refusal of Mr X's Protection visa application.
4 September 2017	Applied to the FCC for judicial review of the AAT's decision to affirm the refusal of his Protection visa. A hearing was scheduled for 12 December 2017.
5 September 2017	Applied to the Federal Court for judicial review of the AAT's decision to affirm the refusal of his bridging visa application.

#### **Criminal history**

July 2014	Convicted of obtaining a financial advantage by deception and sentenced to two years imprisonment.
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#### **Health and welfare**

International Health and Medical Services advised that Mr X reported a decline in his mental health in August 2017 and presented with symptoms of poor sleep, low mood, social isolation, poor appetite and low motivation. He was prescribed with antidepressant medication and reported improvement in his sleeping patterns but not in his mood.

Mr X also received treatment for back pain and gastric concerns.

#### **Case status**

Mr X was detained on 10 June 2015 following his release from a correctional facility and remained in an immigration detention facility for more than two and a half years.

Mr X was released from immigration detention when he voluntarily departed Australia in February 2018.