

## 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1989
<b>Ombudsman ID</b>	1002748-O
<b>Date of department's report</b>	28 August 2017
<b>Total days in detention</b>	730 (at date of department's report)

### Detention history

21 December 2012	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.
30 January 2013	Granted a Protection visa and released from immigration detention.
8 October 2015	Re-detained under s 189(1) following his release from a correctional facility. He was transferred to Facility B.
October 2017	Voluntarily departed Australia.

### Visa applications/case progression

Mr X arrived in Australia on 5 May 2008 on a student visa.	
October 2009	Issued with a non-compliance notice and his student visa was automatically cancelled under s 137J.  The Department of Home Affairs (the department) advised that this cancellation was later found to be affected by case law and the decision was reversed.
30 July 2010	Student visa ceased.
6 April 2011	Granted a bridging visa valid until 20 December 2012.
29 February 2012	Lodged a Protection visa application.
8 January 2013	Protection visa application was considered under s 501 and Mr X was issued with a warning letter.
30 January 2013	Granted a Protection visa.
29 September 2015	Protection visa mandatorily cancelled under s 501.
30 September 2015	Mr X lodged a Request for Revocation of Cancellation.
23 November 2016	The department finalised an International Treaties Obligations Assessment and determined that Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
14 February 2017	The Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.

31 March 2017	Applied to the Federal Court for judicial review of the Assistant Minister's decision not to revoke the cancellation of his visa.
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**Criminal history**

February 2011	Convicted of three offences and sentenced to nine years and six months imprisonment.
April 2015	Convicted of multiple offences and sentenced to six months imprisonment.

**Health and welfare**

International Health and Medical Services advised that Mr X disclosed a history of depression and torture and trauma but declined a referral for specialist counselling.

**Other matters**

Mr X's partner, and their three-year old daughter who is an Australian citizen, reside in the community.	
8 July 2016	Mr X's partner lodged a complaint with the Office of the Commonwealth Ombudsman in relation to the visits policy at Facility B. On 10 August 2016 the department provided a response and on 16 August 2016 the complaint was finalised.

**Case status**

Mr X was detained on 21 December 2012 following his release from a correctional facility 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 voluntarily departed Australia in October 2017.