

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	1989
Ombudsman ID	1002755-O
Date of department's report	3 September 2017
Total days in detention	730 (at date of department's report)

Detention history

4 September 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa. He was transferred to Facility B.
January 2018	Voluntarily departed Australia.

Visa applications/case progression

Mr X arrived in Australia on 19 April 2011 and 13 February 2013 on a Sponsored Family visa and tourist visa respectively and subsequently departed Australia. He last arrived in Australia on 22 June 2013 on a Prospective Marriage visa.	
8 March 2014	Prospective Marriage visa ceased and Mr X remained in the community as an unlawful non-citizen.
3 July 2014	Granted a bridging visa.
4 July 2014	Lodged a Combined Partner visa application and was granted an associated bridging visa on 18 July 2014.
28 August 2015	Mr X was issued with an adverse security assessment by an external agency.
4 September 2015	Bridging visa cancelled under s 116 on the basis that he had been issued with an adverse security assessment.
16 September 2015	The Administrative Appeals Tribunal (AAT) affirmed the cancellation of Mr X's bridging visa.
5 November 2015	The Federal Circuit Court (FCC) remitted the decision to cancel Mr X's bridging visa to the AAT after the Minister withdrew from proceedings.
23 December 2015	The AAT again affirmed the cancellation of Mr X's bridging visa.
10 February 2016	Issued with a Notice of Intention to Consider Refusal of his Combined Partner visa application under s 501.
14 April 2016	The FCC again remitted Mr X's case to the AAT after the Minister withdrew from proceedings.
16 May 2016	The AAT again affirmed the cancellation of Mr X's bridging visa.

14 March 2017	The FCC dismissed Mr X's application for judicial review of the AAT's decision of 16 May 2016.
26 May 2017	Mr X withdrew his application at the Full Federal Court for judicial review of the FCC's decision of 14 March 2017.
6 June 2017	The Federal Court ordered that Mr X's adverse security assessment be set aside.
15 June 2017	Lodged a bridging visa application.
16 June 2017	Bridging visa application referred to the department's Visa Application Character Consideration unit for review.
6 July 2017	Mr X attended an interview with an external agency.
10 August 2017	Mr X was issued with a new adverse security assessment by an external agency.

Other legal matters

2 July 2014	Arrested by police and charged with assault and aggravated burglary. He was released on bail the following day and issued with an associated Apprehended Violence Order.
3 December 2014	Charges were withdrawn.
12 December 2014	Apprehended Violence Order was withdrawn.

Health and welfare

International Health and Medical Services advised that Mr X received treatment for a knee injury, jaw pain and chest pain.
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Other matters

30 June 2016	Mr X's wife, Ms Y, lodged a complaint with the Office of the Commonwealth Ombudsman (the Office) in relation to the conduct of Serco officers at Facility B. The complaint was investigated and on 10 October 2016 the Office notified the department that the investigation had been finalised.
Mr X's wife and daughter are Australian citizens.	

Case status

Mr X was detained on 4 September 2015 following the cancellation of his visa and remained in an immigration detention facility for more than two years.
Mr X was released from immigration detention when he voluntarily departed Australia in January 2018.