

## 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 has remained in immigration detention for more than two and a half years.

<b>Name</b>	Mr X
<b>Citizenship</b>	Stateless, born in Country A
<b>Year of birth</b>	1978
<b>Ombudsman ID</b>	1002727-O
<b>Date of department's reports</b>	30 July 2017 and 29 January 2018
<b>Total days in detention</b>	913 (at date of department's latest report)

### Detention history

July 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.
August 2015	Transferred to Facility C.
October 2015	Transferred to Facility D.
August 2016	Transferred to Facility E.
October 2016	Transferred to Facility D.

### Visa applications/case progression

Mr X arrived in Australia with his family in 2004 on a Global Humanitarian visa.	
August 2008	Issued with a Notice of Intention to Consider Cancellation of his Global Humanitarian visa under s 501 following criminal convictions.
May 2009	Issued with a warning letter advising that further criminal convictions could result in the cancellation of his visa.
July 2015	Global Humanitarian visa mandatorily cancelled under s 501.
August 2015	Mr X lodged a request for revocation of the cancellation of his Global Humanitarian visa. In January 2017 the Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
February 2017	Applied to the Federal Circuit Court (FCC) for judicial review. In July 2017 the matter was transferred to the Federal Court (FC).
May 2017	Found not to meet the guidelines for referral to the Minister under s 195A.
November 2017	The FC adjourned the matter pending the judgment of the High Court in another matter.
January 2018	The Department of Home Affairs (the department) advised that Mr X has ongoing mental health concerns and vulnerabilities, and as a result his detention placement is regularly reviewed with input from support workers and specialists. His placement at Facility D was considered appropriate at the time of the department's latest report.

### **Criminal history**

The department advised that Mr X has an extensive criminal history in Australia.	
August 2006	Convicted of an offence and sentenced to six years imprisonment.
October 2013	Convicted of an offence and sentenced to two years and six months imprisonment.

### **Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X has a significant history of mental health concerns which were diagnosed while he was placed in a correctional facility. He was prescribed with regular medication and engaged frequently with health promotion classes and counselling. Mr X also received treatment for symptoms associated with his experiences in Country A. Upon psychiatric review in August 2017 it was noted that Mr X's symptoms had stabilised and were in remission. IHMS further advised that Mr X received treatment for knee pain, osteoarthritis and dental concerns.	
December 2017	An Incident Report recorded that Mr X refused food and fluid.

### **Other matters**

January 2016	Mr X lodged a complaint with the Office of the Commonwealth Ombudsman in relation to missing property. His complaint was raised with detention centre staff and was finalised on the same day.
Mr X's siblings and extended family live in Australia.	

### **Case status**

<p>Mr X was detained in July 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two and a half years.</p> <p>Mr X's Global Humanitarian visa was cancelled under s 501 in July 2015. In August 2015 Mr X lodged a request for revocation of the cancellation of his visa and in January 2017 the Minister decided not to revoke the cancellation decision.</p> <p>In February 2017 Mr X applied to the FCC for judicial review and in July 2017 the matter was transferred to the FC.</p> <p>At the time of the department's latest report Mr X was awaiting the outcome of judicial review.</p>
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