

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	1994
Ombudsman ID	1002697-O
Date of department's reports	27 June 2017 and 4 August 2017 ¹
Total days in detention	775 (at date of department's latest report)

Detention history

3 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to Christmas Island Immigration Detention Centre (IDC).
1 December 2012 – 13 March 2013	Transferred three times between various immigration detention facilities.
21 May 2013	Granted a bridging visa and released from immigration detention.
23 June 2014	Re-detained under s 189(1) following the cancellation of his bridging visa. He was transferred to Villawood IDC.
19 March 2015	Transferred to Yongah Hill IDC.
31 July 2015	Transferred to Wickham Point IDC.
26 November 2015	Granted a bridging visa and released from immigration detention.
10 June 2017	Re-detained under s 189(1) after living unlawfully in the community. He was transferred to Facility B.
August 2017	Removed from Australia.

Visa applications/case progression

20 May 2013	Granted a bridging visa.
23 June 2014	Bridging visa cancelled under s 116 following criminal charges.
13 August 2015	The Minister lifted the bar under s 46A to allow Mr X to lodge a temporary visa application.
26 November 2015 and 10 February 2016	Granted bridging visas, the last of which ceased on 9 December 2016.
23 September 2016	Safe Haven Enterprise visa (SHEV) application refused.

¹ The department provided an amended 24 month report for Mr X after it identified that departmental systems had not accurately calculated his total days in detention at the time of his initial 24 month report, dated 27 June 2017. The department advised that the systems issue had been referred for investigation.

11 November 2016	The Immigration Assessment Authority affirmed the decision to refuse Mr X's SHEV application.
11 June 2017	The Department of Home Affairs (the department) advised that as Mr X had no matters before the department, the courts or tribunals, he was referred for removal action.

Criminal history

12 June 2014	Charged with driving offences.
21 August 2014	Appeared before a district court and placed on a one year good behaviour bond with no conviction recorded.
12 April 2017	Convicted of a driving offence and fined \$500.
20 July 2017	Issued with an Apprehended Violence Order valid until 19 July 2018.

Health and welfare

International Health and Medical Services advised that Mr X attended group counselling for the management of depression. He also received treatment for a fractured finger and skin condition.

Other matters

Mr X's brother resides in the Australia community on a SHEV.

Case status

Mr X was detained on 3 November 2012 after arriving in Australia by sea 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 August 2017.