

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	1965
Ombudsman ID	1002651-O
Date of department's report	5 May 2017
Total days in detention	730 (at date of department's report)

Detention history

6 May 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).
21 May 2015	Transferred to Christmas Island IDC.
28 October 2015	Transferred to Yongah Hill IDC.
12 July 2016	Transferred to Christmas Island IDC.
August 2017	Voluntarily departed Australia.

Visa applications/case progression

Mr X arrived in Australia on 23 May 1974 with his family. Following legislative amendment on 1 September 1994, Mr X held a Transitional (Permanent) visa.	
24 September 1981	Lodged an application for Australian citizenship.
7 September 2011	Australian citizenship application refused as a result of his criminal convictions.
24 May 2012	Issued with a Notice of Intention to Consider Cancellation of his Transitional (Permanent) visa under s 501 following criminal convictions.
1 March 2013	The Department of Home Affairs (the department) declined to cancel Mr X's permanent visa under s 501 and instead issued him with a warning letter advising that further criminal convictions could result in the cancellation of his visa.
14 April 2015	Transitional (Permanent) visa mandatorily cancelled under s 501.
6 May 2015	Mr X lodged a Request for Revocation of Cancellation. On 17 October 2016 the Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
29 November 2016	Requested removal from Australia.

Criminal history

1976 – 2013	Convicted of multiple offences, including stealing, assault and drug possession. He was sentenced to multiple terms of imprisonment.
February 1992 – May 2012	Convicted of multiple sexual offences, including indecent assault and acts of indecency. He was sentenced to three terms of imprisonment of between six months and two years in duration.
July 2014	Convicted of multiple offences, including stalking, and sentenced to more than one year imprisonment.

Health and welfare

International Health and Medical Services advised that Mr X received treatment for ear concerns.

Detention incidents

22 November 2015	An Incident Report recorded that Mr X was allegedly assaulted by other detainees. He was subsequently relocated to a separate compound for his protection and declined to notify police.
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Other matters

Mr X advised that he had two sisters and numerous other relatives living in Australia.

Case status

Mr X was detained on 6 May 2015 following his release from a correctional facility 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 August 2017.