

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the first s 486O report on Mr X who remained in restricted immigration detention for more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1980
Ombudsman ID	1002432-O
Date of DIBP's report	19 June 2016
Total days in detention	730 (at date of DIBP's report)

Detention history

20 June 2014	Released from criminal custody on parole. His Bridging visa, which had been granted on criminal detention grounds, ceased and he was detained under s 189(1) of the <i>Migration Act 1958</i> . He was transferred to Facility B.
November 2016	Mr X was released from Facility B when he voluntarily departed Australia and returned to Country A.

Visa applications/case progression

22 February 1987	Mr X first came to Australia as a six-year old. The Department of Immigration and Border Protection (the department) advised that he lived in Australia since that time, making three short trips overseas.
26 April 2007	Following conviction for criminal offences Mr X was issued with a Notice of Intention to Consider Cancellation (NOICC) of his visa under s 501(2).
28 May 2007	Mr X replied to the NOICC.
26 June 2007	The delegate decided not to cancel Mr X's visa and instead to issue him with a warning.
20 February 2013	Following conviction in 2009 for further offences Mr X was issued with a further NOICC under s 501(2) to which he responded on 4 March 2013.
29 May 2013	The delegate cancelled Mr X's visa under s 501(2).
19 June 2013	Appealed to the Administrative Appeals Tribunal (AAT) against the decision to cancel his visa.
4 September 2013	AAT affirmed the decision to cancel his visa.
8 October 2013	Requested judicial review of the AAT's decision by the Federal Court (FC).
8 January 2014	Granted a Bridging visa on criminal detention grounds.

15 April 2014	The FC dismissed the application for review of the AAT's decision.
1 May 2014	Appealed to the Full Federal Court (FFC)
11 August 2014	The FFC dismissed the appeal.
8 September 2014	Applied to the High Court (HC) for special leave to appeal the decision of the FFC.
11 December 2014	The HC dismissed the special leave application.
16 January 2015	Lodged a Protection visa application.
5 March 2015	Protection visa application refused.
11 March 2015	Appealed to the Refugee Review Tribunal (RRT).
1 April 2015	RRT affirmed original decision.
9 April 2015	An assessment found that Mr X's case did not meet the guidelines for referral to the Minister under s 417(1).
27 April 2015	Requested judicial review of the RRT decision by the Federal Circuit Court. The matter was listed for hearing on 4 August 2016.
November 2016	Mr X voluntarily departed Australia.

Criminal history

20 August 2004	Mr X was convicted on two counts of robbery in company and sentenced to four years imprisonment with a non-parole period of two years. He was released from custody on parole on 8 February 2006.
9 October 2009	Mr X was convicted of a number of offences arising from an armed bank robbery in company, carried out while still on parole. He was sentenced to ten years and three months imprisonment with a non-parole period of six years and three months.

Health and welfare

International Health and Medical Services advised that Mr X received treatment for a medical condition and joint pain.

Detention incidents

Incident Reports recorded that Mr X was allegedly involved in several behavioural incidents of a minor nature.

Case status

Mr X voluntarily departed Australia in November 2016 and returned to Country A.