

## 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 30 months (two and a half years).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1989
<b>Ombudsman ID</b>	1002634-O
<b>Date of DIBP's reports</b>	31 March 2017 and 29 September 2017
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

### Detention history

1 April 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Facility B.
30 November 2015	Transferred to a correctional facility. <sup>1</sup>

### Visa applications/case progression

Mr X arrived in Australia on a working visa on 8 March 2013 which ceased on 8 March 2015.	
6 March 2015	Issued with a Criminal Justice Stay Certificate.
17 March 2015	The Department of Immigration and Border Protection (the department) refused to grant Mr X a Criminal Justice Stay visa.
26 August 2015	Lodged a bridging visa application.
2 September 2015	Bridging visa application refused.

### Criminal history

22 January 2016	Convicted of assault with intent to cause grievous bodily harm and sentenced to six years and two months imprisonment.
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### Health and welfare

The department advised that Mr X's health and welfare was being managed by Corrective Services, Western Australia.
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<sup>1</sup> Mr X continues to be recorded as detained under s 189(1) and as a result remains subject to reporting under s 486N.

**Ombudsman assessment**

Mr X was detained on 1 April 2015 and has remained in immigration detention, both in a detention facility and a correctional facility, for more than two and a half years.

The department advised that Mr X is currently serving a custodial sentence and remains in immigration detention. His earliest date of release is 1 March 2019.

The Ombudsman notes with concern that in the absence of any health and welfare information provided by the department, the Ombudsman is unable to assess the adequacy of health care provided to Mr X during this assessment period.