

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).

Name	Mr X
Citizenship	Country A
Year of birth	1976
Ombudsman ID	1002703-O
Date of department's reports	2 July 2017 and 3 January 2018
Total days in detention	915 (at date of department's latest report)

Detention history

3 July 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa under s 501. He was transferred to Brisbane Correctional Centre.
6 July 2015	Transferred to Brisbane Immigration Transit Accommodation.
9 July 2015	Transferred to Yongah Hill Immigration Detention Centre (IDC).
9 October 2015	Transferred to Christmas Island IDC.

Visa applications/case progression

Mr X arrived in Australia on 21 February 2006 on a Global Special Humanitarian visa.	
18 October 2013	Lodged an application for Australian citizenship that was refused on character grounds.
3 July 2015	Global Special Humanitarian visa cancelled under s 501. The Department of Home Affairs (the department) advised that Mr X attempted to lodge a Request for Revocation of Cancellation but missed the prescribed deadline.
26 November 2015	Lodged a Protection visa application.
8 September 2016	Protection visa application refused.
16 September 2016	Applied to the Administrative Appeals Tribunal (AAT) for merits review.
28 September 2017	AAT affirmed original decision.
2 November 2017	Applied to the Federal Court for judicial review. The matter was adjourned on two occasions and a hearing was scheduled for 20 March 2018.

Criminal history

February 2012 – August 2013	Convicted of multiple traffic offences.
November 2013	Charged with two offences and fined without conviction.

October 2014	Convicted of sexual assault and assault occasioning bodily harm and sentenced to imprisonment of more than 12 months.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for gout, foot concerns and allergies. He was prescribed with medication for his gout and was educated on the consequences of the condition. Following an exacerbation of his symptoms in June 2017, he presented to a general practitioner and his prescribed medications were adjusted. In a follow-up review a marked improvement was noted and Mr X was provided with further education to manage his symptoms. IHMS further advised that Mr X was reviewed by the mental health team for insomnia and was prescribed with medication to manage his sleeping concerns.

Case status

Mr X was detained on 3 July 2015 following his release from a correctional facility and has remained in immigration detention, both in an immigration detention facility and correctional facility, for more than two and a half years.

Mr X's Global Special Humanitarian visa was cancelled under s 501 on 3 July 2015. He lodged a Protection visa application on 26 November 2015 and on 8 September 2016 it was refused.

At the time of the department's latest report Mr X was awaiting the outcome of judicial review.