

## 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).

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1983
<b>Ombudsman ID</b>	1002761-O
<b>Date of department's report</b>	12 September 2017
<b>Total days in detention</b>	730 (at date of department's report)

### Detention history

4 July 2013	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).
23 July 2013	Transferred to Scherger IDC.
21 August 2013	Granted a bridging visa and released from immigration detention.
31 October 2015	Re-detained under s 189(1) following his release from a correctional facility. He was transferred to Villawood IDC.
20 January 2016 – 19 May 2017	Transferred three times between various immigration detention facilities.
January 2018	Voluntarily departed Australia.

### Visa applications/case progression

21 August 2013 and 14 January 2015	Granted a bridging visa.
6 January 2015	The Minister lifted the bars under ss 46A and 91L to allow Mr X to lodge a temporary visa application.
9 February 2015	Bridging visa cancelled under s 116 following criminal charges.
11 August 2016	Lodged a Safe haven Enterprise visa (SHEV) application.
22 November 2016	SHEV application refused.
12 December 2016	The Minister declined to consider Mr X's case under s 195A for the grant of a bridging visa.
26 February 2017	The Immigration Assessment Authority affirmed the decision to refuse Mr X's SHEV application.
11 April 2017	Requested removal from Australia.
25 July 2017	Mr X withdrew his application to the Federal Circuit Court for judicial review.

**Criminal history**

July 2015	Convicted of two assault offences and sentenced to one year imprisonment with a non-parole period of nine months.
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**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X fractured his clavicle during exercise and underwent investigative testing. He was provided with treatment and no further concerns were reported.

IHMS further advised that Mr X disclosed a history of torture and trauma in July 2013 and subsequently accepted a referral for specialist counselling.

**Detention incidents**

Incident Reports recorded that Mr X allegedly displayed abusive and aggressive behaviour towards detention centre staff on multiple occasions.

**Case status**

Mr X was detained on 4 July 2013 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 voluntarily departed Australia in January 2018.