

## 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>	1980
<b>Ombudsman ID</b>	1002784-O
<b>Date of department's report</b>	16 October 2017
<b>Total days in detention</b>	730 (at date of department's report)

### Detention history

10 September 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> following the expiry of his bridging visa. He was transferred to Facility B.
5 November 2013	Granted a bridging visa and released from immigration detention.
16 January 2015	Re-detained under s 189(1) following his release from a correctional facility. He was transferred to Facility B.
29 February 2016	Granted a bridging visa and released from immigration detention.
24 January 2017	Re-detained under s 189(1) following the cancellation of his bridging visa under s 501. He was transferred to Facility B.
January 2018	Voluntarily departed Australia.

### Visa applications/case progression

Mr X first arrived in Australia on 22 December 2007 on a tourist visa before departing on 8 January 2008. He last arrived in Australia on 10 March 2010 on a provisional partner visa.	
18 June 2012	Mr X withdrew his application for a permanent partner visa after his relationship with his sponsor ended.
2 July 2012	Provisional partner visa ceased and he was granted a bridging visa.
30 July 2012	Bridging visa ceased and he remained unlawfully in the community.
15 June 2013	Granted a bridging visa.
2 August 2013 – 9 August 2013	Granted further bridging visas on the grounds that he would apply for a substantive visa.
23 August 2013	Bridging visa ceased and he remained unlawfully in the community.
17 September 2013	Lodged a partner visa application with an associated bridging visa application.
19 September 2013	Associated bridging visa application refused.  Mr X applied to the Migration Review Tribunal (MRT) for merits review, however the MRT found that it had no jurisdiction to consider the application.

21 October 2013	Lodged a further associated bridging visa application which was subsequently refused.  Mr X applied to the MRT for merits review and the MRT remitted the matter with the direction that he meets the criteria for the grant of a bridging visa.
5 November 2013	Granted a bridging visa.
13 November 2013	Partner visa application refused.
19 December 2014	Bridging visa mandatorily cancelled under s 501 following criminal convictions.
11 February 2015	Mr X lodged a Request for Revocation of Cancellation. On 7 December 2015 a delegate of the Minister decided not to revoke the decision to cancel Mr X's bridging visa under s 501.
23 February 2015	The MRT affirmed the decision to refuse Mr X's partner visa application.
11 May 2015	The Federal Circuit Court remitted the refusal of Mr X's partner visa application to the MRT.
22 September 2015	The Administrative Appeals Tribunal (AAT) <sup>1</sup> remitted the decision to refuse Mr X's partner visa application to the Department of Home Affairs for reconsideration.
29 February 2016	The AAT set aside the delegate's decision not to revoke the cancellation of Mr X's bridging visa. On the same day Mr X was released from immigration detention as the holder of a bridging visa.
19 September 2016	Issued with a Notice of Intention to Consider Refusal of his partner visa application under s 501.
10 January 2017	The Minister refused to grant Mr X a partner visa under s 501. On the same day Mr X's bridging visa was cancelled under s 501 by operation of law.
24 November 2017	The Federal Court dismissed Mr X's application for judicial review of the Minister's decision to refuse his partner visa application under s 501.

### **Criminal history**

August 2014	Convicted of multiple dishonesty and stealing offences and sentenced to one year and six months imprisonment, with a non-parole period of one year.
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### **Health and welfare**

International Health and Medical Services advised that Mr X received treatment for headaches, a stomach bacterial infection and a skin condition.	
27 September 2017	An Incident Report recorded that Mr X refused food and fluid as a form of protest.

<sup>1</sup> On 1 July 2015 the MRT and Refugee Review Tribunal were merged into the AAT.

**Other matters**

Mr X's partner is an Australian citizen.

**Case status**

Mr X was detained on 10 September 2013 following the expiry of his bridging visa 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.