

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).

Name	Mr X
Citizenship	Country A
Year of birth	1986
Ombudsman ID	1002677-O
Date of department's report	18 May 2017
Total days in detention	730 (at date of department's report)

Detention history

22 January 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Facility B.
23 February 2015	Absconded from immigration detention.
18 June 2015	Re-detained under s 189(1) after being located by authorities. He was transferred to Facility C.
25 June 2015 – 20 August 2015	Transferred four times between various immigration detention facilities.
20 August 2015	Absconded from immigration detention.
21 August 2015	Re-detained under s 189(1) after being located by authorities. He was transferred to a correctional facility.
17 March 2016 – 26 July 2016	Transferred three times between various immigration detention facilities.
August 2017	Removed from Australia.

Visa applications/case progression

Mr X arrived in Australia on 12 August 2008 on a Prospective Marriage visa.	
14 October 2008	Granted a bridging visa.
20 July 2010	Temporary Partner visa application refused.
30 July 2010	Migration Review Tribunal (MRT) affirmed the refusal of his Temporary Partner visa application.
21 January 2013	Bridging visa ceased.
18 March 2013	Granted a bridging visa on departure grounds.
12 April 2013	Mr X did not depart Australia and remained in the community as an unlawful non-citizen.
11 September 2014	Granted a bridging visa.
2 December 2014	Protection visa application refused.

8 January 2015	Bridging visa ceased.
25 June 2015	Bridging visa application refused.
3 July 2015	MRT affirmed the refusal of his bridging visa application.
18 November 2015	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the MRT's decision to affirm the refusal of his bridging visa application.
11 July 2016	Found not to meet the guidelines for referral to the Minister under s 48B to allow him to lodge a second Protection visa application.
12 July 2016	Mr X was scheduled to be removed from Australia, however the removal was cancelled due to an uplift refusal by the relevant airlines.

Criminal history

2008 – 2015	Convicted of multiple offences, including breaking and entering, possessing a prohibited drug and failing to appear in accordance with bail requirements.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X received treatment for depression and bereavement. He was also placed on Supportive Monitoring and Engagement observations in June 2015 following threats of self-harm.</p> <p>Mr X also received treatment for head and facial injuries in February 2015 after he was allegedly assaulted. He underwent investigative testing and no concerns were identified.</p> <p>IHMS further advised that Mr X received treatment for multiple physical health concerns, including chest pain, a genetic blood disorder and an ear condition.</p>
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Detention incidents

21 February 2015	An Incident Report recorded that Mr X absconded from immigration detention following his transfer to a hospital emergency department.
24 June 2015	An Incident Report recorded that Mr X attempted to abscond from immigration detention.
20 August 2015	An Incident Report recorded that Mr X absconded from immigration detention.

Other matters

28 January 2015	The Department of Home Affairs (the department) was notified that Mr X had lodged a complaint with the Australian Human Rights Commission. The department provided multiple responses and the complaint was finalised on 22 May 2017.
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Case status

Mr X was detained on 22 January 2015 following his release from a correctional facility 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 was involuntarily removed from Australia in August 2017.