

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 two years.

Name	Mr X
Citizenship	Country A
Year of birth	1974
Ombudsman ID	1002786-O
Date of department's report	17 October 2017
Total days in detention	730 (at date of department's report)

Detention history

October 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.
January 2016	Transferred to Facility C.
February 2017	Transferred to Facility B.

Visa applications/case progression

Mr X arrived in Australia with his family in January 2007 on an Independent Regional (Provisional) visa that was valid until July 2009.	
February 2009	Lodged a Skilled visa application.
July 2009	Granted a Skilled visa.
October 2010	Lodged an application for conferral of Australian citizenship.
February 2012	Application for conferral of Australian citizenship was refused.
October 2015	Skilled visa mandatorily cancelled under s 501.
October 2015	Mr X lodged a request for revocation of the cancellation of his Skilled visa. In October 2016 the Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
February 2017	The Federal Circuit Court finalised Mr X's application for judicial review and ordered that the matter be transferred to the Federal Court (FC).
August 2017	Requested removal from Australia.
November 2017	FC quashed the Assistant Minister's decision and ordered that the matter be determined according to law.

Criminal history

December 2012	Convicted of an offence and in June 2013 he was sentenced to six years imprisonment with a non-parole period of four years.
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Health and welfare

International Health and Medical Services advised that Mr X received treatment for multiple physical health concerns. He underwent surgery and in 2017 he was reviewed by a general practitioner. Mr X noted a significant improvement following physiotherapy.

Case status

Mr X was detained in October 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two years.

Mr X's Skilled visa was mandatorily cancelled under s 501 in October 2015 and in October 2016 the Assistant Minister decided not to revoke the decision to cancel his visa.

In November 2017 the FC quashed the Assistant Minister's decision and ordered that the matter be determined according to law.