

**ASSESSMENT (ABRIDGED) 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 than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002562-O
Date of DIBP's report	6 January 2017
Total days in detention	734 (at date of DIBP's report)

Detention history

6 December 2012	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving in Australia by sea.
28 February 2013	Granted a bridging visa and released from an immigration detention facility.
27 March 2015	Re-detained under s 189(1) following his release from a correctional facility.
11 April 2017	Granted a Temporary Protection visa (TPV) and released from an immigration detention facility.

Visa applications/case progression

10 October 2014	Bridging visa cancelled under s 116 following criminal charges.
6 May 2015	Protection visa application refused.
22 September 2015	Refugee Review Tribunal (RRT) affirmed the decision to refuse Mr X's Protection visa application.
26 October 2015	Applied to the Federal Circuit Court (FCC) for judicial review.
20 January 2016	The FCC quashed the decision of the Administrative Appeals Tribunal (AAT) ¹ after finding that there had been an error of law.
28 June 2016	The AAT remitted Mr X's case to the Department of Immigration and Border Protection (the department) for reconsideration.
5 December 2016	The department notified Mr X that, following legislative amendment, his original Protection visa application was now considered to be a TPV application.
6 January 2017	The department advised that it was considering refusing Mr X's TPV application under s 501 on character grounds.

¹ On 1 July 2015 the Migration Review Tribunal and RRT were merged into the AAT.

Criminal history

Mr X was sentenced to six months imprisonment for multiple offences, including assault and theft, committed on 29 September 2014.

Health and welfare

Mr X did not receive treatment for any major physical or mental health issues.

Case status

Mr X was granted a TPV on 11 April 2017 and released from immigration detention.