

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 more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1002662-O
Date of department's report	20 April 2017
Total days in detention	770 (at date of department's report)

Detention history

12 April 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Brisbane Immigration Transit Accommodation.
13 March 2015 – 13 November 2016	Transferred four times between various immigration detention facilities.
24 November 2016	Transferred to a correctional facility. ¹
July 2017	Voluntarily departed Australia.

Visa applications/case progression

Mr X arrived in Australia on 26 March 2012 on a student visa which expired on 27 November 2013.	
12 May 2015	Issued with a State Criminal Justice Stay Certificate.
20 May 2015	The Department of Home Affairs refused to grant Mr X a State Criminal Justice Stay visa.

Criminal history

9 March 2015	Charged with rape and remained in custody.
February 2017	Sentenced to six months imprisonment for rape. His sentence was taken to have commenced on 24 November 2016.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X did not receive treatment for any major physical or mental health issues while he remained in immigration detention.</p> <p>Following his transfer to a correctional facility, Mr X's health and welfare was managed by the Department of Corrective Services, State B.</p>

¹ On 20 April 2017 the department advised that Mr X continued to be detained under s 189(1) while he was placed in a correctional facility serving a custodial sentence.

Case status

Mr X was detained on 12 March 2015 after living unlawfully in the community and remained in an immigration detention facility for more than two years.

Mr X was released from immigration detention when he voluntarily departed Australia in July 2017.