

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 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1002767-O
Date of department's report	20 September 2017
Total days in detention	730 (at date of department's report)

Detention history

21 September 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 March 2017	Transferred to Facility C.

Visa applications/case progression

Mr X arrived in Australia on 30 January 2003 on a Refugee visa.	
6 September 2013	Issued with a Notice of Intention to Consider Cancellation of his Refugee visa under s 501 following criminal convictions.
26 November 2013	The Department of Home Affairs (the department) finalised an International Treaties Obligations Assessment, determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
22 October 2014	Refugee visa cancelled under s 501.
18 September 2015	Lodged a bridging visa application which was deemed invalid under s 501.
22 September 2015	The Administrative Appeals Tribunal dismissed Mr X's application for merits review after finding that it had no jurisdiction.
23 March 2016	The Federal Court dismissed Mr X's application for judicial review of the cancellation of his visa.
20 January 2017	Found not to meet the guidelines for referral to the Minister under s 195A for the grant of a bridging visa.
20 September 2017	The department advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway. The department further advised that it was assessing Mr X's identity for the purpose of progressing his removal from Australia.

Criminal history

April 2007	Convicted of four counts of sexual assault and sentenced to 11 years imprisonment on one count, and 10 years imprisonment on each other count. Convicted of one count of indecent assault and sentenced to three years imprisonment.
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Health and welfare

International Health and Medical Services advised that Mr X received treatment for the management of depression, a history of torture and trauma and anxiety related to detention fatigue. He was prescribed with antidepressant medication and prior to his transfer to Facility C he regularly attended specialist counselling. In March and June 2017 a mental health assessment noted that Mr X presented with symptoms of post-traumatic stress disorder and he was referred for further specialist counselling. Mr X was also closely monitored for the management of type 2 diabetes and hypertension.

Other matters

Mr X's wife, children, grandchild and sister are Australian citizens.

Case status

Mr X was detained on 21 September 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two years.

Mr X's Refugee visa was cancelled under s 501 on 22 October 2014. He has no matters before the department, the courts or tribunals and is on a removal pathway.