

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	1977
Ombudsman ID	1002787-O
Date of department's report	18 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.
July 2017	Transferred to Facility C.

Visa applications/case progression

Mr X arrived in Australia in January 2009 on a Skilled visa.	
September 2015	Skilled visa mandatorily cancelled under s 501.
September 2015	Mr X lodged a request for revocation of the cancellation of his Skilled visa. In April 2016 a delegate of the Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
May 2017	The Administrative Appeals Tribunal affirmed the decision.
October 2017	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway.

Criminal history

September 2011 – August 2015	Convicted of several offences and sentenced to multiple terms of imprisonment of up to one year and six months.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple complex physical health concerns.

Mr X was transferred to an emergency department after reporting loss of sensation in his wrist and was diagnosed with nerve inflammation. He was prescribed with medication and was advised that surgery may be required. Mr X was also referred for physiotherapy to manage his chronic pain and was prescribed with medication to manage various medical conditions. At the time of IHMS's latest report, he was awaiting multiple specialist appointments.

IHMS further advised that Mr X engaged with the mental health team and was prescribed with medication for the management of mental health concerns. He required psychological counselling during increased periods of stress related to situational factors and his immigration pathway.

November 2016

An Incident Report recorded that Mr X was transported to hospital by ambulance.

Other matters

Mr X's wife and daughter are Australian citizens and reside in Australia.

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 cancelled under s 501 in September 2015 and in April 2016 a delegate of the Minister decided not to revoke the decision to cancel his visa.

He has no matters before the department, the courts or tribunals and is on a removal pathway.