

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 a period of more than two years.

Name	Mr X
Citizenship	Country A
Year of birth	1989
Ombudsman ID	1002746-O
Date of department's report	24 August 2017
Total days in detention	730 (at date of department's latest report)

Detention history

August 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following criminal charges. He was transferred to Facility B.
August 2015	Transferred to a correctional facility.
September 2017	Mr X's immigration detention was ended following his incarceration for a serious offence.

Visa applications/case progression

Mr X first arrived in Australia in March 2002 holding an Electronic Travel Authority visa. Between March 2002 and December 2014, Mr X departed Australia multiple times and held various visas.	
November 2013	Mr X was granted a Vocational Education and Training Sector visa which ceased in December 2014.
August 2015	New South Wales police arrested Mr X and interviewed him about his alleged involvement in a serious offence.
August 2015	Mr X was refused bail and remanded into criminal custody.
April 2018	The Department of Home Affairs (the department) advised that Mr X's immigration detention ceased on 1 September 2017 following his incarceration for a serious offence. ¹

Criminal history

June 2017	Convicted of an offence and sentenced to imprisonment for 36 years with a non-parole period of 27 years.
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Health and welfare

International Health and Medical Services advised that Mr X was transferred to a correctional facility prior to attending a health induction assessment. The department advised that following his transfer his health and welfare was being managed by corrective services.
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¹ The department advised that as a result of Mr X's conviction he was no longer recorded as being placed in immigration detention and subsequently was no longer subject to reporting under s 486N.

Case status

Mr X was detained in August 2015 following criminal charges and remained in immigration detention, both in an immigration detention facility and in a correctional facility for more than two years.

In June 2017 Mr X was convicted of a serious offence and the department advised that Mr X's immigration detention subsequently ceased in September 2017. He continues to serve a 37 year sentence with a non-parole period of 27 years and his earliest date of release is 25 August 2042.