

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 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1974
Ombudsman ID	1002681-O
Date of department's reports	22 May 2017 and 20 November 2017
Total days in detention	912 (at date of department's latest report)

Detention history

23 May 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Villawood Immigration Detention Centre.
-------------	--

Visa applications/case progression

Mr X arrived in Australia on 2 September 1995 on a permanent visa.	
22 August 2014	Issued with a Notice of Intention to Consider Cancellation of his visa under s 501 following criminal convictions.
30 January 2015	Permanent visa mandatorily cancelled under s 501.
12 March 2015	Granted a Criminal Detention Bridging visa valid until 23 May 2015.
21 June 2016	The Minister decided not to revoke the cancellation of Mr X's visa under s 501.
29 July 2016	Applied to the Federal Circuit Court (FCC) for judicial review of the Minister's decision not to revoke the cancellation of his visa under s 501.
3 January 2017	FCC ordered that Mr X's application be transferred to the Federal Court (FC).
8 August 2017	FC adjourned the proceedings pending the determination of a matter ¹ before the High Court (HC). The HC reserved judgment on 14 November 2017.

Criminal history

1997 – 2014	Convicted of numerous offences, including driving offences, assault and contravening an Apprehended Domestic Violence Order, and sentenced to multiple terms of imprisonment.
April 2014	Convicted of four offences, including domestic violence assault occasioning bodily harm, and sentenced to one year and four months imprisonment.

¹ *Falzon v Minister for Immigration and Border Protection* (S31 of 2017).

Health and welfare

International Health and Medical Services advised that Mr X received treatment for asthma.

Other matters

Mr X's partner, nine year old daughter and a 19 year old step-daughter reside in the community.

Case status

Mr X was detained on 23 May 2015 following his release from a correctional facility and has remained in an immigration detention facility for more than two and a half years.

Mr X's permanent visa was cancelled under s 501 on 30 January 2015 and on 21 June 2016 the Minister decided not to revoke the cancellation of his visa under s 501.

On 29 July 2016 Mr X applied to the FCC for judicial review and on 3 January 2017 his application was transferred to the FC. On 8 August 2017 the FC adjourned the proceedings pending the determination of a matter before the HC.