

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	1964
Ombudsman ID	1002814-O
Date of department's report	19 December 2017
Total days in detention	730 (at date of department's report)

Detention history

December 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.
April 2017	Transferred to Facility C.

Visa applications/case progression

Mr X arrived in Australia with his parents in May 1967 on a permanent entry permit. Following legislative amendment on 1 September 1994, Mr X held a Transitional (Permanent) visa.	
August 2012	Issued with a Notice of Intention to Consider Cancellation of his Transitional (Permanent) visa under s 501 following criminal convictions.
April 2013	Transitional (Permanent) visa not cancelled and Mr X was instead issued with a formal warning.
December 2015	Transitional (Permanent) visa mandatorily cancelled under s 501.
December 2015	Mr X lodged a request for revocation of the cancellation of his Transitional (Permanent) visa. In February 2017 the Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
March 2017	Applied to the Federal Court for judicial review. The matter was adjourned pending the resolution of a High Court matter. ¹

Criminal history

May 2011 – June 2015	Convicted of multiple offences and sentenced to terms of imprisonment of up to one year and three months.
----------------------	---

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

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple medical conditions. He was referred for investigative testing and specialist review and was prescribed with medication.

IHMS further advised that Mr X regularly engaged with the mental health team after he reported experiencing low mood related to his separation from his family.

February 2017 –
March 2018

An Incident Report recorded that Mr X refused food and fluid.

Other matters

Mr X's parents, sister, partner and children are Australian citizens and reside in Australia.

Case status

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

Mr X's Transitional (Permanent) visa was cancelled under s 501 in December 2015. Mr X lodged a request for revocation of the cancellation of his visa and in February 2017 the Assistant Minister decided not to revoke the cancellation decision.

At the time of the Department of Home Affairs' latest report Mr X was awaiting the outcome of judicial review.