

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 cumulative period of more than two years.

Name	Mr X
Citizenship	Country A
Year of birth	1953
Ombudsman ID	1002838-O
Date of department's report	12 February 2018
Total days in detention	731 (at date of department's report)

Detention history

March 2010	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Facility B.
February 2012	Granted a Removal Pending Bridging visa (RPBV) and released from immigration detention.
January 2018	Re-detained under s 189(1) following the cancellation of his RPBV. He was transferred to Facility B.
March 2018	Voluntarily departed Australia.

Visa applications/case progression

Mr X arrived in Australia in May 2008 on a Business (short stay) visa that ceased in June 2008.	
June 2008	Lodged a Protection visa application.
June 2008	Granted an associated bridging visa that ceased in January 2009.
September 2008	Protection visa application refused.
November 2008	The Refugee Review Tribunal affirmed the original decision.
August 2010 – July 2011	Lodged four requests for ministerial intervention under ss 48B and 417 that were found not to meet the guidelines for referral to the Minister.
November 2010	Applied to the Federal Magistrates Court for judicial review and in January 2011 the application was discontinued.
March 2011 and April 2011	Found not to meet the guidelines for referral to the Minister under ss 195A and 197AB respectively.
April 2011	The United Nations Human Rights Committee (UNHRC) issued an Interim Measures Request to prevent Mr X's removal from Australia.
February 2012	The Minister intervened under s 195A to grant Mr X a RPBV.
July 2014	The UNHRC advised that Mr X's removal to Country A would not be in violation of his rights under the <i>International Covenant on Civil and Political Rights</i> .

March 2016	The Department of Home Affairs finalised an International Treaties Obligations Assessment, determining Mr X's case did not engage Australia's <i>non-refoulement</i> obligations.
December 2016	Issued with a Notice of Intention to Consider Cancellation of his RPBV following breaches of his visa conditions. Mr X provided a response in January 2017 and in January 2018 his RPBV was cancelled.
January 2018	Requested removal from Australia.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for a medical condition. He was prescribed with medication and monitored by a general practitioner for his condition.	
December 2010 – January 2018	Incident Reports and IHMS recorded that Mr X was transported to hospital by ambulance on multiple occasions after presenting with pain.

Detention incidents

December 2010	An Incident Report recorded that Mr X was allegedly assaulted by other detainees and he was transferred to a separate compound.
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Other matters

Mr X's sibling resides in Australia on a permanent visa.
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Case status

Mr X was detained in March 2010 after arriving in Australia on a Business (short stay) visa and remained in an immigration detention facility for a cumulative period of more than two years. Mr X was released from immigration detention when he voluntarily departed Australia in March 2018.
