

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, born in Country B
Year of birth	1991
Ombudsman ID	1002806-O
Date of department's report	23 November 2017
Total days in detention	729 (at date of department's report)

Detention history

November 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 C.
5 July 2016	Transferred to Facility D.

Visa applications/case progression

Mr X arrived in Australia with his sister in June 2003 on a Refugee visa.	
February 2011	Issued with a Notice of Intention to Consider Cancellation of his Refugee visa under s 501 following criminal convictions. However in May 2012 no further action was taken.
April 2015	Mr X's Refugee visa was mandatorily cancelled under s 501.
April 2015	Mr X lodged a request for revocation of the cancellation of his Refugee visa.
November 2016	Found not to meet the guidelines for referral to the Minister under s 195A for consideration of the grant of a bridging visa.
February 2017	The Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
September 2017	Lodged a Protection visa application.
November 2017	The Department of Home Affairs (the department) advised that the processing of Mr X's Protection visa application remained ongoing.

Criminal history

The department advised that between 2009 and 2013 Mr X was convicted of multiple offences with penalties including imprisonment for up to 12 months.	
December 2014	Convicted of an offence and sentenced to nine months imprisonment. He received additional sentences totalling nine months for further offences which were to be served concurrently.

Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health issues during this assessment period.

Other matters

The department advised that Mr X's father, step mother and minor siblings are understood to be Australian citizens residing in the community.

Case status

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

Mr X's Refugee visa was cancelled under s 501 in April 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.

In September 2017 Mr X lodged a Protection visa application and in November 2017 the department advised that the processing of Mr X's visa application remained ongoing.