

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	1979
Ombudsman ID	1002852-O
Date of department's report	5 March 2018
Total days in detention	732 (at date of department's report)

Detention history

March 2016	Detained under s 189(1) of the <i>Migration Act 1958</i> after living unlawfully in the community. He was transferred to Facility B.
August 2016	Transferred to a correctional facility. ¹

Visa applications/case progression

Mr X arrived in Australia in June 2009 on a Temporary Work Skilled visa.	
February 2010 and March 2010	Issued with a Notice of Intention to Consider Cancellation of his Temporary Work Skilled visa following the cessation of his employment with his visa sponsor. Mr X provided a response in April 2010.
August 2010	Temporary Work Skilled visa cancelled under s 116.
January 2011	The Migration Review Tribunal affirmed the cancellation decision.
March 2016	Issued with a Criminal Justice Stay Certificate (CJSC). In March 2016 a Criminal Justice Stay visa was refused.

Criminal history

August 2016	Convicted of an offence and sentenced to three years and three months imprisonment with a non-parole period of two years.
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Health and welfare

The Department of Home Affairs advised that Mr X's health and welfare support is provided by corrective services.

¹ On 5 March 2018 the department advised that Mr X continued to be detained under s 189(1) while he was placed in a correctional facility serving a custodial sentence.

Case status

Mr X was detained in March 2016 after living unlawfully in the community and has remained in immigration detention, both in a detention facility and a correctional facility, for more than two years. He continues to serve a custodial sentence and remains subject to a CJSC preventing his removal from Australia.