

# 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.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1966
<b>Ombudsman ID</b>	1002807-O
<b>Date of department's report</b>	28 November 2017
<b>Total days in detention</b>	730 (at date of department's report)

## Detention history

November 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his Electronic Travel Authority (ETA) under s 116. He was transferred to the custody of Agency X.  On the following day Mr X was remanded into criminal custody after being charged with criminal offences. He remained in a correctional facility <sup>1</sup> at the time of the Department of Home Affairs' (the department) report.
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## Visa applications/case progression

Mr X arrived in Australia in November 2015 after being granted an ETA visa offshore and was detained on suspicion of a criminal offence.	
November 2015	Mr X was issued with a Notice of Intention to Consider Cancellation of his ETA. On the same day his ETA was cancelled under s 116.

## Criminal history

December 2016	Convicted of criminal offences and sentenced to nine years and six months imprisonment with a non-parole period of six years back dated to November 2015.
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## Health and welfare

The department advised that Mr X's health and welfare support was being provided by the State B Department of Corrective Services.
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## Case status

Mr X was detained in November 2015 after the cancellation of his ETA and continues to serve a custodial sentence for criminal offences. His earliest date of release is November 2021.
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<sup>1</sup> In November 2017 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.