

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	1965
Ombudsman ID	1002817-O
Date of department's report	21 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.
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Visa applications/case progression

Mr X arrived in Australia in March 1969 and last entered Australia in October 1995 on a Resident Return visa.	
November 2015	Resident Return visa mandatorily cancelled under s 501.
November 2015	Mr X lodged a request for revocation of the cancellation of his Resident Return visa. In December 2016 the Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
March 2017	The Federal Circuit Court dismissed Mr X's application for judicial review.
March 2017	Applied to the Federal Court for judicial review. In May 2017 the matter was adjourned.

Criminal history

January 2000 – May 2015	Convicted of multiple offences and convicted to terms of imprisonment of up to one year.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for complex medical conditions. Mr X presented to a general practitioner in February 2016 and reported concerns following a fall the week prior. Investigative testing indicated further symptoms and Mr X was referred for specialist review. A specialist recommended intervention and Mr X underwent surgery. In a post-operative review Mr X advised that there had been limited improvement and he was recommended to engage with ongoing management and attend a follow-up review.

IHMS further advised that Mr X engaged with the mental health team for the management of stressors related to his experiences in an immigration detention facility. A treating psychologist recommended that Mr X undergo further testing and a follow-up review was scheduled.

Other matters

Mr X's mother resides 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 Resident Return visa was cancelled under s 501 in November 2015. Mr X lodged a request for revocation of the cancellation of his visa and in December 2016 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.