

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 a cumulative period of more than two and a half years.

Name	Mr X
Citizenship	Country A
Year of birth	1969
Ombudsman ID	1002757-O
Date of department's reports	5 September 2017 and 6 March 2018
Total days in detention	912 (at date of department's latest report)

Detention history

March 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa under s 501. He was transferred to Facility B.
February 2016	Transferred to Facility C.
September 2016	Mr X's visa was reinstated and he was released from immigration detention.
February 2017	Re-detained under s 189(1) following the cancellation of his visa under s 501. He was transferred to Facility B.

Visa applications/case progression

Mr X first arrived in Australia in November 1985 as an exempt non-citizen.	
August 2007	Granted a visa.
January 2009	Issued with a formal counselling letter regarding the possible cancellation of his visa under s 501.
September 2010	Issued with a Notice of Intention to Consider Cancellation of his visa under s 501 following criminal convictions.
December 2010	Issued with a warning regarding possible cancellation under s 501.
March 2015	Visa mandatorily cancelled under s 501.
April 2015	Mr X lodged a request for revocation of the cancellation of his visa. In January 2016 a delegate of the Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
September 2016	The Administrative Appeals Tribunal (AAT) set aside the delegate's decision and Mr X's visa was reinstated.
February 2017	The Minister set aside the AAT's decision and cancelled Mr X's visa under s 501.
February 2018	The Federal Court (FC) dismissed Mr X's application for judicial review.
February 2018	Requested removal from Australia.
March 2018	Applied to the Full Federal Court for judicial review of the FC's decision.

Criminal history

July 2000 – January 2015	Convicted of multiple criminal offences and sentenced to several 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 multiple physical health concerns. He was reviewed by specialists, prescribed with medication and underwent investigative testing.	
September 2017 and January 2018	Incident Reports recorded that Mr X refused food and fluid.

Case status

<p>Mr X was detained in March 2015 following the cancellation of his visa under s 501 and has remained in an immigration detention facility for a cumulative period of more than two and a half years.</p> <p>Mr X's visa was mandatorily cancelled under s 501 in March 2015. Mr X lodged a request for revocation of the cancellation of his visa and in January 2016 a delegate of the Minister decided not to revoke the cancellation decision.</p> <p>In September 2016 the AAT set aside the delegate's decision and Mr X's visa was reinstated. In February 2017 Mr X's visa was again cancelled under s 501.</p> <p>At the time of the Department of Home Affairs' latest report Mr X was awaiting the outcome of judicial review.</p>
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