

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	1974
Ombudsman ID	1002810-O
Date of department's report	12 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.
March 2016 – July 2017	Transferred three times between various immigration detention facilities.
November 2017	Transferred to Facility C.

Visa applications/case progression

Mr X arrived in Australia in January 1996 on a Global Special Humanitarian visa.	
December 2005 and January 2010	Issued with a Notice of Intention to Consider Cancellation of his Global Special Humanitarian visa under s 501 following criminal convictions.
August 2006 and November 2010	Global Special Humanitarian visa not cancelled and issued with a warning letter instead.
November 2015	Global Special Humanitarian visa mandatorily cancelled under s 501.
December 2015	Mr X lodged a request for revocation of the cancellation of his Global Special Humanitarian visa. In January 2017 the Assistant Minister decided not to revoke the decision to cancel Mr X's visa under s 501.
June 2017	The Federal Court (FC) quashed the Assistant Minister's decision and Mr X's request for revocation was remitted for reconsideration. The matter remained ongoing.

Criminal history

1998 – August 2015	Convicted of multiple offences and sentenced to community corrections orders and terms of imprisonment of up to 12 months.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for physical health concerns. Investigative testing of a medical condition indicated additional concerns and Mr X was scheduled to undergo surgery. In June 2017 Mr X experienced significant pain and was transferred to hospital. He was provided with a likely diagnosis and prescribed with pain-relief medication.

IHMS further advised that Mr X engaged with specialist counselling and the mental health team for the management of mental health concerns.

June 2016

An Incident Report recorded that Mr X was transported to hospital by ambulance.

Other matters

Mr X's wife, children, parents, siblings and cousins are Australian citizens and reside 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.

In November 2015 Mr X's Global Special Humanitarian visa was mandatorily cancelled under s 501 and in January 2017 the Assistant Minister decided not to revoke the decision to cancel Mr X's visa.

In June 2017 the FC quashed the Assistant Minister's decision and Mr X's request for revocation was remitted for reconsideration. The matter remained ongoing at the time of the Department of Home Affairs' report.