

## 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>	Not stated, born in Country A
<b>Year of birth</b>	1970
<b>Ombudsman ID</b>	1002824-O
<b>Date of department's report</b>	29 December 2017
<b>Total days in detention</b>	730 (at date of department's report)

### Detention history

December 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following the cancellation of his visa under s 116. He was transferred to Facility B.
May 2017	Transferred to a correctional facility. <sup>1</sup>

### Visa applications/case progression

December 2013	Arrived in Australia as a dependant on his partner's Vocational Education and Training Sector (VETS) visa.
December 2015	Issued with a Notice of Intention to Consider Cancellation of his VETS visa under s 116 following criminal charges and on the same day his visa was cancelled.  The Department of Home Affairs (the department) further advised that Mr X requested removal from Australia. In January 2017 Mr X withdrew his request for removal.
January 2016	Issued with a Criminal Justice Stay Certificate. In January 2016 he was refused a Criminal Justice Stay visa.

### Criminal history

June 2017	Convicted of criminal offences and sentenced to eight years imprisonment with a non-parole period of five and a half years.
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### Health and welfare

International Health and Medical Services advised that Mr X did not receive treatment for any major physical or mental health concerns while he remained in an immigration detention facility.

The department advised that following his transfer to a correctional facility, Mr X's health and welfare is managed by corrective services.

<sup>1</sup> On 29 December 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.

**Other matters**

Mr X's partner and daughter reside in the community on bridging visas and Mr X advised the department that he has another daughter residing in Country A.

**Case status**

Mr X was detained in December 2015 following the cancellation of his visa under s 116 and has remained in immigration detention, both in a detention facility and a correctional facility for more than two years.

Mr X continues to serve a sentence of eight years imprisonment with a non-parole period of five and a half years. His earliest date of release is in 2021.