




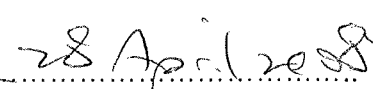
that Dr Y's report 'indicates that Mr X demonstrates criteria for an adjustment disorder with depressed and anxious mood related to his ongoing detention, alienation from others and distancing from his children'.

7. Dr Y stated 'the cause of Mr X's Adjustment Disorder relates to his inability to resolve his current conflict as to whether he returns to China and from his perspective receives punishment from the Government of China or whether he remains in the detention centre. His inability to resolve this dilemma in my opinion is the root cause of his current condition'. Dr Y recommended 'clearly Mr X should be moved from his current detention arrangement ... he would also benefit from ongoing psychological counselling ... it would in my opinion be most relevant to resolve the situation governing his detention'. PSS advised in its report of 21 January 2008 that Mr X's 'prognosis is likely to be poor whilst he remains in detention, given his long term duration of 3 years and uncertainty with his future prospects'. The PSS report concluded that Mr X's 'psychological condition is likely to deteriorate further if he remains in detention'.

### **Ombudsman assessment/recommendation**

8. In Report 222/07 the Ombudsman recommended that the Minister make a decision on Mr X's outstanding combined s 417/48B request of June 2007 before the report was tabled. That report was tabled on 13 February 2008 and the request remains outstanding.
9. The Ombudsman notes that Mr X's case is one of those about which the Minister announced he would consult the Ombudsman prior to making a decision. The Ombudsman **recommends** that Mr X be located in Sydney Immigration Residential Housing or Community Detention until his immigration status is resolved following the Minister's consultation with the Ombudsman. If Mr X is released from detention, the Ombudsman **recommends** that DIAC refers Mr X for ongoing psychological counselling, as recommended by Consultant Psychiatrist Dr Y.

  
Prof. John McMillan  
Commonwealth and Immigration Ombudsman

  
Date