

486N-1000958-03

28 September 2018

The Hon David Coleman MP  
Minister for Immigration, Citizenship and Multicultural Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Minister

**Assessments under s 486O of the *Migration Act 1958***

In accordance with s 486O of the *Migration Act 1958* (the Act) I am forwarding my assessment concerning 20 cases on the schedule at Attachment A regarding 20 individuals who fall within the reporting and assessment obligation imposed by Part 8C of the Act.

My office has assessed the appropriateness of the immigration detention arrangements of the 20 cases on the schedule and for 19 of them has made no recommendations. My office has made one recommendation in one case which is at Attachment B.

The Act also requires that I prepare this de-identified statement for tabling in the Parliament.

As part of this assessment my office reviewed information relating to each individual's case progression, detention placement, legal matters and health and welfare. When required, further information was requested under s 486Q or s 8 of the *Ombudsman Act 1976*.

I note that Mr X (1001308-02) died while he remained in immigration detention. I note that prior to his death, Mr X was placed in palliative care where he could be visited by family members. His death will be subject to coronial investigation.

Mr X's (1002861-0) and Mr X's (1002626-01) visas were cancelled under s 501. I note the serious risk posed to their physical and mental health, in light of the obstacles to their removal from Australia and their prolonged immigration detention.

I note that the Department of Home Affairs has advised that Mr X's (1002826-0) removal from Australia is likely to be protracted due to instability in Country A which poses a risk to his mental and physical health.

Yours sincerely



Jaala Hinchcliffe  
A/g Commonwealth Ombudsman

*Influencing systemic improvement in public administration*

**SCHEDULE**  
**Assessments of people placed in immigration detention for more than two years**

When coming to this assessment, the Office reviewed information relating to each individual's case progression, detention placement, legal matters and health and welfare. Additionally, when required, further information was requested under s 486Q of the Act or s 8 of the *Ombudsman Act 1976*.

No	Ombudsman ID	Recommendations	Name	No. of People	Year of birth	Days in detention <sup>1</sup>	Detention Status <sup>2</sup>	Date of 486N report	Date last assessment tabled
1	1000958-O3	0	Mr X	1	1981	2,186	Removed	12 April 2018	18 June 2018
2	1001271-O2	0	Mr X	1	1966	1,822	Removed	13 March 2018	7 February 2018
3	1001308-O2	0	Mr X	1	1954	1,822	Deceased	4 April 2018	18 June 2018
4	1002520-O2	0	Mr X	1	1991	1,276	IDF	6 April 2018	9 May 2018
5	1002588-O1	1	Mr X	1	1983	1,458	IDF	25 October 2017 and 26 April 2018	29 November 2017
6	1002626-O1	0	Mr X	1	1982	1,096	IDF	19 March 2018	21 March 2018
7	1002629-O1	0	Mr X	1	1984	1,094	IDF	22 March 2018	21 March 2018
8	1002635-O1	0	Mr X	1	1978	1,094	Removed	26 March 2018	7 February 2018
9	1002640-O1	0	Mr X	1	1948	1,094	IDF	14 April 2018	21 March 2018
10	1002643-O1	0	Mr X	1	1989	1,094	IDF	18 April 2018	7 February 2018
11	1002772-O1	0	Mr X	1	1983	1,094	IDF	5 April 2018	18 June 2018
12	1002773-O1	0	Mr X	1	1986	912	IDF	29 March 2018	18 June 2018
13	1002787-O1	0	Mr X	1	1977	912	IDF	18 April 2018	18 June 2018
14	1002826-O	0	Mr X	1	1978	912	IDF	4 January 2018 and 5 July 2018	First Assessment
15	1002835-O	0	Mr X	1	1979	912	IDF	5 February 2018 and 6 August 2018	First Assessment
16	1002858-O	0	Mr X	1	1978	1978	IDF	13 March 2018	First Assessment
17	1002861-O	0	Mr X	1	1977	730	IDF	16 March 2018	First Assessment
18	1002868-O	0	Mr X	1	1987	730	IDF	31 March 2018	First Assessment
19	1002870-O	0	Mr X	1	1980	730	IDF	3 April 2018	First Assessment
20	1002871-O	0	Mr X	1	1989	730	IDF	4 April 2018	First Assessment

<sup>1</sup> At date of the Department's latest report.

<sup>2</sup> Immigration Detention Facility (IDF), Removed, Deceased.

**RECOMMENDATIONS BY THE COMMONWEALTH OMBUDSMAN TO  
THE MINISTER FOR HOME AFFAIRS**  
*Under s 486O of the Migration Act 1958*

<b>Name</b>	Mr X
<b>Ombudsman ID</b>	1002588-O1
<p>Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in an immigration detention facility for more than four years.</p> <p>The Ombudsman's previous assessment recommended that the Department of Home Affairs (the Department) assess whether it would be appropriate to place Mr X in a single room in light of his ongoing mental health concerns.</p> <p>On 29 November 2017 the Minister advised that Mr X had been relocated to more appropriate accommodation.</p> <p>International Health and Medical Services (IHMS) advised that Mr X received treatment for an acute exacerbation in his mental health condition during this assessment period.</p> <p>Incident Reports recorded that Mr X self-harmed and threatened self-harm on multiple occasions regarding his detention placement.</p> <p><b>Recommendation</b></p> <p>The Ombudsman recommends that:</p> <ol style="list-style-type: none"><li>1. The Department review Mr X's detention placement in consultation with IHMS with a view to better support his mental health.</li></ol>	