

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X who has remained in immigration detention for more than 66 months (five and a half years). The previous assessment 1000934-O was tabled in Parliament on 15 February 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1000934-O1
Date of DIBP's reports	16 January 2017 and 17 July 2017
Total days in detention	2,006 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment (1000934-O), Mr X has remained at Facility C.

Recent visa applications/case progression

14 June 2016 and 12 October 2016	The Department of Immigration and Detention (the department) notified Mr X that identity documents he had submitted on behalf of his family were deemed to be counterfeit. Mr X provided a response on 9 August 2016 and 2 November 2016.
15 March 2017	Mr X and his family's Temporary Protection visa (TPV) application was refused.
20 March 2017	Applied to the Administrative Appeals Tribunal (AAT) for merits review.
3 May 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
17 July 2017	The department advised that Mr X remains a person of interest to an external agency.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has a history of torture and trauma and continued to attend specialist counselling and engage with the mental health team.

IHMS further advised that Mr X was provided with treatment for multiple physical health concerns including cardiovascular issues, a stomach infection and chronic back pain. His condition continued to be monitored by a general practitioner.

Other matters

Mr X's wife, Ms Y, and their children, Master Z and Master P, continue to reside in the community on bridging visas.

Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Ombudsman assessment

Mr X was detained on 19 January 2012 after arriving in Australia by sea and has been held in an immigration detention facility for more than five and a half years.

Mr X and his family's TPV application was refused on 15 March 2017 and on 20 March 2017 Mr X applied to the AAT for merits review.

The Ombudsman's previous assessment (1000934-O) recommended that the department expedite the resolution of Mr X's immigration status so that he can be reunited with his family in the community.

On 15 February 2017 the Minister noted the recommendation and advised that Mr X's case was under active consideration by the department.

The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to physical and mental health prolonged immigration detention may pose. The Ombudsman notes with serious concern that Mr X has remained in an immigration detention facility for more than five and a half years and continues to be separated from Ms Y and their two children, who reside in the community on bridging visas.

The Ombudsman also notes that Mr X continues to be a person of interest to an external agency and the department found that identity documents submitted on behalf of his family were counterfeit.