

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 60 months (five years). The previous assessment 1001254-O was tabled in Parliament on 14 June 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	1968
Ombudsman ID	1001254-O1
Date of department's reports	8 June 2017 and 13 December 2017
Total days in detention	1,822 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility D.	
21 November 2017	Transferred to Facility E.

Recent visa applications/case progression

17 March 2017	The Department of Home Affairs (the department) advised that it had concluded a review of Mr X's citizenship and found that there was insufficient evidence to support further investigation.
28 March 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of bridging visa.
31 August 2017	The Administrative Appeals Tribunal (AAT) affirmed the refusal of Mr X's Safe Haven Enterprise visa (SHEV) application.
13 December 2017	The department advised that Mr X remained a person of interest to the department in relation to his alleged involvement in offshore criminal matters. The department further advised that Mr X had not applied for judicial review of the AAT's decision and had no matters before the department or courts.

Other legal matters

August 2013	The authorities of Country B advised that Mr X, using an alias, was arrested on 2 January 2003 and sentenced to eight years imprisonment for murder. He was subsequently deported.
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Health and welfare

International Health and Medical Services advised that Mr X presented with detention fatigue and stress related to ongoing family concerns and received counselling from the mental health team. In July 2017 Mr X was reviewed by a psychiatrist and prescribed with medication for sleep concerns and anxiety. In August 2017 Mr X's medication regime was adjusted and in September 2017 he was referred for specialist counselling.

Information provided by Mr X

During an interview with Ombudsman staff on 25 May 2017 Mr X advised that he could not return to Country A as his life would be in danger. He said that his case manager had encouraged him to return voluntarily by offering financial support.

Mr X advised that his wife and children live in Country C and he does not speak with them often. He said that his wife was struggling to obtain food and medication without an income and she cries when they speak with each other.

Mr X stated that he felt tense and experienced disturbed sleep. He also said that his memory was poor and he struggles to focus during classes. He advised that he engages with the mental health team and receives sleeping medication, but this does not manage the cause of his problems. He said the real concern is his ongoing detention and inability to help his wife and children.

Case status

Mr X has been found not to be owed protection under the *Migration Act 1958* and has remained in an immigration detention facility for a cumulative period of more than five years.

On 31 August 2017 the AAT affirmed the refusal of Mr X's SHEV application and, at the time of the department's latest report, Mr X had not applied for judicial review.