

**REPORT BY THE COMMONWEALTH AND  
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

*Under s 486O of the Migration Act 1958*

This is the fifth s 486O report on Mr X who has remained in restricted immigration detention for more than 84 months (seven years) due to an adverse security assessment. The previous reports are:

832/12 tabled in Parliament on 20 March 2013  
1001063 tabled in Parliament on 19 March 2014  
1001610 tabled in Parliament on 13 May 2015  
1002680 tabled in Parliament on 31 August 2016.

This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1973
<b>Ombudsman ID</b>	1000030-O
<b>Date of DIBP's reports</b>	6 June 2016 and 5 December 2016
<b>Total days in detention</b>	2550 (at date of DIBP's latest report)

**Recent detention history**

Since the Ombudsman's previous report (1002680), Mr X has remained at Facility B.

**Recent visa applications/case progression**

16 November 2015	The Independent Reviewer of Adverse Security Assessments invited Mr X to comment in relation to his adverse security assessment. He provided further information on 14 December 2015.
24 August 2016	The Independent Reviewer assessed that Mr X's adverse security assessment was no longer appropriate and recommended that the Australian Security Intelligence Organisation (ASIO) issue a qualified security assessment in respect of Mr X.
28 November 2016	ASIO issued a qualified security assessment in respect of Mr X.
5 December 2016	The Department of Immigration and Border Protection (the department) advised that processing of Mr X's Temporary Protection visa (TPV) application is now being progressed and that an assessment against the character provisions has been initiated.  The department further advised that Mr X's case was being considered for referral to the Minister for consideration of the grant of a Bridging visa under s 195A of the <i>Migration Act 1958</i> .

## Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has continued to present with depression, anxiety, adjustment disorder and detention fatigue. In August 2016 Mr X's counsellor noted that his mental health was deteriorating and that he was feeling generally hopeless. He is prescribed with anti-depressant medication and receives regular torture and trauma counselling as well as support from the mental health team.

IHMS further advised that Mr X was reviewed by a cardiologist and underwent testing in September 2016 after presenting with chest pain and breathing difficulties. He also received treatment for tinnitus, chronic headache disorder and leg and back pain.

## Ombudsman assessment/recommendation

Mr X has been found to be owed protection under the Refugee Convention. He was previously the subject of an adverse security assessment and has been held in restricted immigration detention for more than seven years.

On 28 November 2016 ASIO issued Mr X with a qualified security assessment.

On 1 October 2015 Mr X lodged a TPV application and in December 2016 the department advised that this application was now being progressed following the issuance of a qualified security assessment in respect of Mr X.

The Ombudsman remains seriously concerned about the risk that long term detention poses to a detainee's mental and physical health. The Ombudsman notes advice from the department in December 2016 that Mr X was being considered for referral to the Minister for the possible grant of a Bridging visa.

The Ombudsman notes with concern that at the time of drafting this report, Mr X remains in restricted immigration detention, despite having been issued a qualified security assessment over four months ago.

In light of the length of time Mr X has remained in immigration detention and his recently revised security assessment, the Ombudsman strongly recommends that the department expedite the referral of Mr X's case to the Minister for consideration of a Bridging visa.

The Ombudsman further recommends that the department urgently prioritise the assessment of Mr X's TPV application.