

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

*Under s 486O of the Migration Act 1958*

This is the third s 486O report on Mr X who has remained in restricted immigration detention for more than 48 months (four years) due to an adverse security assessment.

The first report 1001903 was tabled in Parliament on 4 March 2015 and the second report 1002363 was tabled in Parliament on 24 February 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>           | 1974                                   |
| <b>Ombudsman ID</b>            | 1001141-O                              |
| <b>Date of DIBP's reports</b>  | 20 March 2016 and 18 September 2016    |
| <b>Total days in detention</b> | 1458 (at date of DIBP's latest report) |

**Recent detention history**

Since the Ombudsman's previous report (1002363), Mr X has remained at Facility B.

**Recent visa applications/case progression**

|                   |  |
|-------------------|--|
| 16 July 2015      | Mr X requested that consideration of his Protection visa application be delayed until the Independent Reviewer of Adverse Security Assessments concluded its reassessment of his case.           |
| 18 September 2016 | The Department of Immigration and Border Protection advised that Mr X was scheduled to attend an annual review by the Independent Reviewer of Adverse Security Assessments on 23 September 2016. |

**Health and welfare**

International Health and Medical Services (IHMS) advised that Mr X receives ongoing support for sleep disturbances, tearfulness, stress about being separated from his family and a history of torture and trauma. In July 2016 Mr X presented to his psychiatrist feeling depressed about increased security measures within Facility B and was prescribed with antidepressant medication. Mr X attends regular torture and trauma counselling and in January 2016 he requested that IHMS provide him with additional support when his specialist counsellor is unavailable. He also receives ongoing support from the mental health team and attends regular individual and group counselling sessions.

IHMS further advised that Mr X continued to present with dizziness and headaches which have been attributed to bradycardia. Further investigations in January and April 2016 identified no abnormalities and his ongoing symptoms are managed by the general practitioner.

## **Ombudsman assessment/recommendation**

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

Mr X's case was scheduled to be reviewed by the Independent Reviewer of Adverse Security Assessments on 23 September 2016. He has requested that consideration of his Protection visa application be delayed until after this review.

The Ombudsman's previous report (1002363), tabled in Parliament on 24 February 2016, recommended that the Government give priority to finding a solution for detainees with adverse security assessments that reconciles the management of any security threat with its duty of care to immigration detainees, including considering alternative avenues for managing any security threat.

The Minister noted the Ombudsman's recommendation and advised that as Mr X has an adverse security assessment he will remain in held detention, rather than live in the community, until such time that a durable solution for individuals with adverse security assessments is found.

The Ombudsman notes with concern that without changes to current policy and practice, Mr X will remain in a restricted form of immigration detention for an indefinite period. Notwithstanding the advice that Mr X's adverse security status is subject to review by the Independent Reviewer of Adverse Security Assessments, the Ombudsman remains seriously concerned about the risk that an indeterminate period of detention poses to detainee's mental and physical health.

The Ombudsman strongly recommends that the Government prioritise finding a durable solution for individuals with adverse security assessments as soon as possible.