

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

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X who has remained in restricted immigration detention for a cumulative period of more than 66 months (five and a half years) due to an adverse security assessment.

The first report 1000972 was tabled in Parliament on 12 February 2014, the second report 1001473 was tabled in Parliament on 18 March 2015 and the third report 1002325 was tabled in Parliament on 8 November 2016. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X
Citizenship	Country A
Year of birth	1953
Ombudsman ID	1000785-O
Date of DIBP's report	8 September 2016
Total days in detention	2004 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002325), Mr X remained at Facility B.	
15 September 2016	Transferred to Facility C.

Recent visa applications/case progression

15 December 2014	Mr X's adverse security assessment was affirmed by the Independent Reviewer, who recommended a further review in 12 months.
17 March 2016	The Minister declined to revoke the decision of the former Minister to cancel Mr X's Protection visa under s 501 of the <i>Migration Act 1958</i> . The Department of Immigration and Border Protection (the department) further advised that the Minister declined to consider alternative strategies for managing Mr X's detention.
8 September 2016	The department advised that Mr X's adverse security assessment remains in place.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to suffer from gastro-oesophageal reflux disease and ongoing pain in his flank. He was reviewed by a specialist and underwent a colonoscopy in July 2016 with no abnormalities identified.

IHMS further advised that Mr X continued to receive support from the mental health team and a specialist counsellor for mental health issues including a significant history of torture and trauma and an adjustment disorder. He presented with ongoing insomnia, nightmares, grief, sadness and loneliness. In July 2016 Mr X's specialist counsellor noted that he was struggling to cope with his increasing levels of anxiety and depression and recommended that he continue to attend specialist counselling sessions.

Other matters

The department advised that Mr X's complaint to the Australian Human Rights Commission remained ongoing at the time of its review.

Information provided by Mr X

During telephone conversations with Ombudsman staff on 17 August 2016, 14 December 2016 and 12 January 2017 Mr X advised that he was distressed about the length of time he has remained in detention. He said he did not understand why he remains in detention when nearly all of the other detainees who were subject to adverse security assessments have been released.

Mr X advised that he was very upset about having been transferred to Facility C in September 2016. He said that while he was detained at Facility B he was visited regularly by his brother, son and other family members and friends, but since being transferred away from his family and support network he felt like it had all become too hard. Mr X said he has no one to help him now and he would like to be transferred back to Facility B so that his family can visit and support him.

Mr X also advised that he suffers from multiple significant health conditions, and said he was worried that his health is deteriorating the longer he remains in detention. He felt that he received better healthcare at Facility B than at Facility C and had better access to specialists there.

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 five and a half years.

The Ombudsman's previous report (1002325), tabled in Parliament on 8 November 2016, recommended that the Government give priority to finding a solution for detainees with adverse security assessments.

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 grave concern that without changes to current policy and practice, Mr X will remain in restricted immigration detention for an indefinite period. The Ombudsman remains seriously concerned about the risk that an indeterminate period of detention poses to detainees' 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.

The Ombudsman notes with significant concern that Mr X's adverse security assessment does not appear to have been reviewed since December 2014, despite the Independent Reviewer's recommendation that it be reviewed annually. The Ombudsman recommends that the Minister seek an update on the status of the review of Mr X's adverse security assessment.

The Ombudsman notes with further concern that in September 2016 Mr X was transferred to Facility C, separating him from his family and support network in City D. Given the protracted nature of Mr X's detention, the Ombudsman strongly recommends that urgent consideration be given to transferring Mr X back to a detention facility in City D.