

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the sixth 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 1000958-O1 was tabled in Parliament on 13 September 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	1981
Ombudsman ID	1000958-O2
Date of department's report	12 October 2017
Total days in detention	2,004 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Villawood Immigration Detention Centre.

Recent visa applications/case progression

5 June 2017	Requested removal from Australia.
20 June 2017	Withdrew his application for voluntary removal.
31 July 2017	Requested removal from Australia.
12 September 2017	The authorities of Country A advised that Mr X's existing travel documentation was invalid.
28 September 2017	The authorities of Country A requested that further documentation be provided before it considered the granting Mr X entry into Country A.
12 October 2017	<p>The Department of Home Affairs (the department) advised that Mr X has no matters before the department, the courts or tribunals and has requested removal from Australia.</p> <p>The department further advised that it continued to work with the authorities of Country A to obtain a travel document.</p>

Health and welfare

International Health and Medical Services advised that Mr X attended a psychiatric review in May 2017 and disclosed stress relating to family issues and his prolonged detention. He was prescribed with medication and in a subsequent review the treating psychiatrist noted that Mr X was suffering from depression and anxiety related to his prolonged detention and his inability to change his circumstances. The psychiatrist noted that there was a serious risk of harm to self and others and recommended that Mr X be placed in a single room and attend ongoing counselling and mental health support. Mr X's prescribed medication was discontinued at his request and he was aware of how to self-refer to the mental health team if required.

Other matters

Mr X's Australian citizen wife and daughter reside in State B.

Information provided by Mr X

During an interview with Ombudsman staff on 6 September 2017 Mr X advised that he had requested removal from Australia and was awaiting the grant of a travel document. He stated that his case manager had suggested he request ministerial intervention again, but he had been in detention for almost six years and he just wanted to go home. He advised that he has telephoned the consulate of Country A, but was often told that they were busy.

Mr X advised that his daughter was almost four years old and he had watched her grow up while he was in detention. He stated that he felt like he was missing out on the best parts of her life, and she hated visiting him in the immigration detention facility. He advised that his wife and daughter visited him around four times a week, and that the food policy at the detention facility made it difficult for his daughter to eat healthy food while she was there.

Mr X stated that his physical health was good, but that his mental health varied. He advised that he often felt depressed about his immigration situation and his separation from his family and that his anxiety was exacerbated by being around other people. He stated that he now had a single room which was helping.

Case status

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in an immigration detention facility for more than five and a half years. He has no matters before the department, the courts or tribunals and has requested removal from Australia. The department advised that it was working with the authorities of Country A to obtain a travel document.