

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the seventh s 486O assessment on Mr X who has remained in immigration detention for more than six and a half years. The previous assessment 1000846-O1 was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1992
<b>Ombudsman ID</b>	1000846-O2
<b>Date of department's report</b>	31 December 2017
<b>Total days in detention</b>	2,368 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
November 2017	Transferred to Facility C.

### Recent visa applications/case progression

November 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
December 2017	The Department of Home Affairs (the department) advised that Mr X's case was on hold pending the outcome of his ongoing criminal matters.

### Criminal history

August 2017	Appeared before a court and fined in relation to two offences.
December 2017	The Department of Home Affairs (the department) advised that Mr X was scheduled to appear before a court in December 2017 and January 2018 in relation to further offences.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X presented with mental health concerns related to a history of abuse. Mr X was prescribed with medication and referred for psychological and specialist counselling. In October 2017 he presented with symptoms of depression related to his family's wellbeing. He requested to be transferred to Facility C to reside closer to his children and was provided with psychoeducation. During a follow up review, Mr X presented with ongoing sleep issues and weight loss and was awaiting an appointment with a general practitioner and psychiatrist at the time of IHMS's report.	
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### Other matters

Mr X advised the department that he has two sons who reside in the community. He also advised that his youngest son is an Australian citizen.	
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## Ombudsman assessment

Mr X was detained in June 2011 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for more than six and a half years.

In February 2016 the Federal Circuit Court determined that Mr X's case was affected by legal error and referred his case to the department for reassessment of his protection claims.

In June 2017 and December 2017 the department advised that Mr X's case was on hold pending the outcome of his ongoing criminal matters.

The department further advised that Mr X was scheduled to appear before a court in December 2017 and January 2018 in relation to criminal offences.

The Ombudsman's previous assessment recommended that Mr X be transferred to Facility C or Facility D to allow him to reside closer to his family.

On 29 November 2017 the Minister advised that Mr X had been temporarily transferred to Facility C to attend a court hearing and consideration of a longer-term transfer would not be made until the completion of his outstanding legal matters. In December 2017 the department advised that it had facilitated the Ombudsman's recommendation.

The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to mental health prolonged immigration detention may pose. IHMS has advised that Mr X received treatment for multiple mental health concerns, including depression and a history of abuse.