

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 remained in immigration detention for a cumulative period of more than five years. The previous assessment 1000850-O was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Stateless, born in Country A
Year of birth	1989
Ombudsman ID	1000850-O1
Date of department's report	14 December 2017
Total days in detention	1,822 (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.
March 2018	Granted a Temporary Protection visa (TPV) and released from immigration detention.

Recent visa applications/case progression

December 2017	The Department of Home Affairs (the department) advised that Mr X's case was being reviewed for possible referral to the Minister for consideration under s 501 of the <i>Migration Act 1958</i> to refuse the grant of a TPV. The department further advised that Mr X remained a person of interest to an external agency.
March 2018	Granted a TPV.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X required increased support from the mental health team after a deterioration in his condition. In July 2017 Mr X self-harmed due to frustration and feelings of powerlessness over his prolonged detention. Following the incident he received treatment from IHMS staff and was closely monitored. In August 2017 Mr X was reviewed by a psychiatrist who recommended that he be transferred to a larger facility to provide him with more space to exercise and the peer support of other people who had been in detention for an extended period of time. IHMS further advised that Mr X received treatment for multiple physical health concerns.	
July 2017	An Incident Report recorded that Mr X self-harmed.

Other matters

Mr X's family reside lawfully in the community. His father, mother and brother hold bridging visas and his sister and niece hold permanent protection visas.

Case status

Mr X was detained in June 2011 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and in the community for a cumulative period of more than five years.

The Ombudsman's previous assessment recommended that Mr X be considered under ss 195A and 197AB for a bridging visa or community placement and that the department expedite the resolution of his case.

In November 2017 the Minister advised that Mr X's case was being reviewed for possible referral to him for consideration under s 501 and that consideration under ss 195A or 197AB was not appropriate at this time.

Mr X was granted a TPV in March 2018 and released from immigration detention.