

**ASSESSMENT (ABRIDGED) BY THE COMMONWEALTH OMBUDSMAN
FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who remained in immigration detention for more than 48 months (four years). The previous assessment 1001611-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

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| Name | Mr X |
| Citizenship | Country A |
| Year of birth | 1978 |
| Ombudsman ID | 1001611-O1 |
| Date of DIBP's reports | 14 December 2016 and 14 June 2016 |
| Total days in detention | 1,458 (at date of DIBP's latest report) |

Recent detention history

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| 6 July 2017 | Granted a Temporary Protection visa (TPV) and released from an immigration detention facility. |
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Recent visa applications/case progression

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| 17 March 2017 | The New South Wales Director of Public Prosecutions cancelled Mr X's Criminal Justice Stay Certificate. |
| 4 May 2017 | Issued with a Notice of Intention to Consider Refusal of his TPV application under s 501 of the <i>Migration Act 1958</i> . Mr X provided a response on 1 June 2017. |
| 8 June 2017 | The Department of Immigration and Border Protection invited Mr X to comment on sentencing remarks that may be taken into account when considering to refuse his TPV application. |

Criminal history

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| February 2017 | Sentenced to three years imprisonment with a non-parole period of two years for an earlier conviction of assault. His sentence commenced on 20 August 2013 and concluded on 19 August 2015. |
| 28 February 2017 | Lodged a Notice of Intention to Appeal his conviction. |

Health and welfare

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| <p>Mr X attended counselling for management of anxiety and a history of torture and trauma. On 3 April 2017 a psychologist noted that a change in environment would likely reduce immediate environmental stressors and improve Mr X's mental health.</p> <p>Mr X was also provided with treatment for physical health concerns, including shoulder and back pain.</p> |
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Case status

The Ombudsman's previous assessment (1001611-O) noted that Mr X's mental health was significantly impacted by his immigration status and recommended that consideration be given to placing him in a less restrictive detention facility or community detention while he awaits the resolution of his immigration status.

On 3 March 2017 the Minister advised that Mr X's placement would be considered on the conclusion of his outstanding legal matters.

Mr X was granted a TPV on 6 July 2017 and released from detention.