

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 six years. The previous assessment 1000934-O1 was tabled in Parliament on 7 February 2018. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1000934-O2
Date of department's report	15 January 2018
Total days in detention	2,188 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Facility C.

Recent visa applications/case progression

August 2017	The Administrative Appeals Tribunal (AAT) remitted Mr X and his family's Temporary Protection visa (TPV) application to the Department of Home Affairs (the department) for reconsideration with the direction that Mr X and his family are owed protection under the complementary protection criterion.
November 2017	Issued with a Notice of Intention to Consider Refusal (NOICR) of his TPV under s 501 of the <i>Migration Act 1958</i> . Mr X provided a response in December 2017.
December 2017	Re-referred to an external agency for a security assessment. At the time of the department's report the matter remained ongoing.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to attend counselling for the management of a history of torture and trauma. In October 2017 it was noted that his condition had declined significantly. It was reported that Mr X presented with severe symptoms of detention fatigue due to his separation from his family.

Other matters

Mr X's wife and their children continue to reside in the community on bridging visas.

Ombudsman assessment

Mr X was detained in January 2012 after arriving in Australia by sea and has remained in an immigration detention facility for more than six years.

In August 2017 the AAT remitted Mr X and his family's TPV application to the department for reconsideration with the direction that Mr X and his family are owed protection under the complementary protection criterion.

In November 2017 the department issued Mr X with a NOICR of his TPV under s 501. Mr X provided a response in December 2017.

The department has advised that Mr X was re-referred to an external agency for a security assessment in December 2017 which remained ongoing at the time of the department's report.

The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to physical and mental health prolonged immigration detention may pose.

IHMS has advised that Mr X continued to receive treatment for the management of a history of torture and trauma as well as severe symptoms of detention fatigue related to his separation from his family.