

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X who has remained in immigration detention for more than 36 months (three years).

The first report 1001903 was tabled in Parliament on 4 March 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X
Citizenship	Country A
Year of birth	1974
Ombudsman ID	1002363
Date of DIBP's reports	25 March 2015 and 24 September 2015
Total days in detention	1,098 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001903), Mr X has remained at Melbourne Immigration Transit Accommodation.

Recent visa applications/case progression

11 March 2015	The Department of Immigration and Border Protection (DIBP) was notified by the Australian Security and Intelligence Organisation (ASIO) that Mr X had been issued with a further adverse security assessment. This assessment was commenced in January 2013 in relation to his application for a Protection visa. Mr X was found to be owed protection in July 2013. DIBP advised that he is eligible to have the assessment reviewed by the Independent Reviewer of Adverse Security Assessments.
24 September 2015	DIBP advised that Mr X is in the process of having his security assessment reviewed by the Independent Reviewer of Adverse Security Assessments.

Health and welfare

6 November 2014 – 13 August 2015	International Health and Medical Services (IHMS) advised that Mr X attended thirteen specialist counselling sessions. IHMS confirmed that he continued to take antipsychotic medication and although he presents with symptoms of depression his condition has not worsened and that he meets with the mental health team as required.
30 April 2015	He continued to complain of dizziness and headaches and advised the general practitioner (GP) that these coincided with a low heart rate which he observed from wearing his heart rate monitor.

15 May 2015	Attended an appointment with a cardiologist and was diagnosed with sinus bradycardia. The cardiologist recommended that he wear a heart rate monitor for 24 hours and undertake a stress test to determine the cause of the condition. IHMS advised that it was awaiting the outcome of these tests.
7 July 2015	He did not attend the appointment scheduled with the neurologist. IHMS advised that it was rescheduled to 24 November 2015 and his condition was being managed by the GP.

Ombudsman assessment/recommendation

Mr X has been found to be owed protection under the Refugee Convention but has been held in restricted detention for more than three years due to the issue of an adverse security assessment. He is currently awaiting the outcome of a review of his security assessment by the Independent Reviewer of Adverse Security Assessments.

The Ombudsman notes with concern the number of people held in immigration detention for two years or more who have been found to be owed protection but have received an adverse security assessment from ASIO. Without changes to current policy and practice these people appear likely to remain in a restricted form of immigration detention for an indefinite period.

Notwithstanding the advice that Mr X's adverse security status is subject to review by the Independent Reviewer of Adverse Security Assessments, the Ombudsman remains seriously concerned about the risk that an indeterminate period of detention poses to a detainee's mental and physical health.

The Ombudsman strongly recommends that the Government give priority to finding a solution that reconciles the management of any security threat with its duty of care to immigration detainees, including considering alternative avenues for managing any security threat.