

ASSESSMENT 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 has remained in restricted immigration detention for more than 48 months (four years).

The first assessment 1002876 was tabled in Parliament on 24 February 2016 and the second assessment 1001659-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1978
Ombudsman ID	1001659-O1
Date of DIBP's review	27 March 2017
Total days in detention	1,460 (at date of DIBP's review)

Recent detention history

Since the Ombudsman's previous assessment (1001659-O), Mr X remained at Yongah Hill Immigration Detention Centre.	
3 November 2016	Transferred to Facility B.

Recent visa applications/case progression

The Department of Immigration and Border Protection (the department) advised that it continued to follow up with the authorities of Country A to obtain a travel document for Mr X to progress his involuntary removal from Australia.	
20 December 2016	Mr X's case was not referred to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa as his application for a travel document was being processed by the authorities of Country A.
30 June 2017	The department advised that as of 31 October 2016 Mr X was no longer considered a person of interest in relation to alleged criminal matters overseas.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment for multiple physical health conditions, including type 2 diabetes.	
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Information provided by Mr X

During a telephone conversation with Ombudsman staff on 29 June 2017 Mr X advised that he has type 2 diabetes and his eyesight has deteriorated significantly. He reported that he is regularly reviewed by IHMS, but his treatment was not effectively managing his symptoms. He said that the medical facilities at Facility B are poor and he has requested to see a private specialist for a second opinion.

Mr X said that he is very stressed in detention and can only sleep for two or three hours per night. He said that his memory is fading and he is worried that his condition will never improve. He advised that he no longer attends IHMS counselling as is not helpful.

Mr X also raised concerns about information included in his previous Ombudsman's assessments (1002876 and 1001659-O) stating that he was a person of interest to the department following his alleged involvement in criminal activities overseas. Mr X reported that he has never been involved in any criminal activities and has repeatedly notified his case manager of this.

Mr X said that he was unsure about the progress of his case, but has requested to be placed in the community so that he can independently manage his physical health concerns.

Ombudsman assessment

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has been held in restricted detention for more than four years. He has no matters before the department, the courts or tribunals and is on a removal pathway.

The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to mental and physical health prolonged and apparently indefinite detention may pose. The Ombudsman further notes advice from IHMS that Mr X continued to receive treatment for multiple physical health concerns, including type 2 diabetes. The Ombudsman makes no recommendations in this assessment.