

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 immigration detention for a cumulative period of more than 48 months (four years). The previous assessment 1002167-O was tabled in Parliament on 10 May 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	1985
Ombudsman ID	1002167-O1
Date of DIBP's reports	20 March 2017 and 18 September 2017
Total days in detention	1,458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
5 April 2017	Transferred to Facility B.

Recent visa applications/case progression

20 March 2017	The Department of Immigration and Border Protection (the department) advised that Mr X remained a person of interest in relation to alleged offshore criminal matters.
18 May 2017	Issued with a qualified security assessment.
30 August 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
18 September 2017	The department advised that Mr X's Safe Haven Enterprise visa (SHEV) application lodged on 27 May 2016 continued to be assessed.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that during a mental health assessment in May 2017 Mr X reported frustration and fatigue regarding his immigration circumstances. He declined a referral for specialist counselling and was placed on a waiting list to be reviewed by a psychiatrist in July 2017 after reporting feelings of stress and suicidal ideation.</p> <p>IHMS further advised Mr X underwent surgery to remove a cyst in January 2017. He was also reviewed by a podiatrist for an ingrown nail and attended physiotherapy for knee pain.</p>
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Other matters

13 May 2017	<p>Mr X lodged a complaint with the Office of the Commonwealth Ombudsman (the Office) stating that he required an update regarding his case progression.</p> <p>Ombudsman staff raised this concern on site with status resolution officers and it was advised that they would provide Mr X with an update during the following week. The matter was finalised and closed on 15 May 2017.</p>
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Information provided by Mr X

<p>During an interview with Ombudsman staff on 7 December 2017 Mr X advised that he did not understand what was happening with his case and that while he understood that he was being assessed for security concerns he had not been advised of the result of that assessment.</p> <p>Mr X advised that remaining in immigration detention was very distressing, that he constantly felt stressed, depressed and under pressure. He stated that he felt like detention was a death sentence and that he was expected to either die in detention or take his own life. He explained that while placed at Christmas Island IDC he had helped a number of other detainees during periods of distress when they were considering self-harm, but he felt like his role had changed now and he was the one that needed help. He stated that he did not find engaging with IHMS or a psychiatrist helpful because he feels like they only ask questions and do not provide solutions.</p> <p>Mr X advised that he calls his family overseas every couple of weeks, but it can be very stressful because he never has anything new to tell them and they are very worried about him.</p>

Ombudsman assessment/recommendation

<p>Mr X was detained on 19 December 2012 after arriving in Australia by sea and has remained in an immigration detention facility for more than four years.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X to apply for a temporary visa and on 27 May 2016 Mr X lodged an application for a SHEV.</p> <p>On 18 May 2017 Mr X was issued with a qualified security assessment and on 18 September 2017 the department advised that Mr X's SHEV application continued to be assessed.</p> <p>The Ombudsman notes that Mr X has been awaiting the outcome of his SHEV application for an extended period and that his security assessment has been finalised.</p> <ol style="list-style-type: none"><li data-bbox="188 1503 1326 1570">1. The Ombudsman recommends that the department expedite the resolution of Mr X's SHEV application. <p>The Ombudsman notes with concern that Mr X raised welfare and mental health concerns during an interview with Ombudsman staff and advised that he was not aware of any developments in his case progression or security matters.</p> <ol style="list-style-type: none"><li data-bbox="188 1715 1374 1783">2. The Ombudsman further recommends that Mr X be provided with an update regarding his case progression and security matters to clarify his immigration pathway.
