

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O assessment on Mr X who has remained in immigration detention for more than four and a half years. The previous assessment 1001583-01 was tabled in Parliament on 29 November 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	1993
Ombudsman ID	1001583-02
Date of department's report	12 December 2017
Total days in detention	1,640 (at date of department's report)

Recent detention history

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

Recent visa applications/case progression

October 2017	The Department of Home Affairs (the department) requested further information from Mr X's agent in relation to Mr X's identity assessment. In November 2017 the department received a response.
December 2017	The department advised that Mr X was not being considered for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa while his identity assessment remained ongoing. The department further advised that it continued to assess Mr X's Safe Haven Enterprise visa (SHEV) application lodged in April 2016.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X engaged with counselling and prescribed with medication for the management of complex mental health concerns. Mr X was reviewed in September 2017 and advised that he was stressed about the uncertainty of his future and did not wish to continue with specialist counselling. The treating psychiatrist adjusted his prescribed medication and Mr X continued to be monitored.

IHMS further advised that Mr X received treatment for an ongoing medical condition and was referred for further specialist reviews.

Ombudsman assessment

Mr X was detained in June 2013 after arriving in Australia by sea and has remained in an immigration detention facility for more than four and a half years.

The Ombudsman's previous assessment noted that Mr X continued to receive treatment for multiple mental health concerns related to his detention environment and a psychologist recommended that Mr X be considered for the grant of a community placement.

The Ombudsman's previous assessment recommended that Mr X's case be referred to the Minister for consideration under ss 197AB and 195A for the grant of a community placement or a bridging visa while he awaits the processing of his SHEV application.

On 29 November 2017 the Minister advised that Mr X would not be considered under ss 197AB or 195A until the investigation of his identity is finalised.

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 advised that Mr X continued to receive treatment for mental health concerns and reported stress regarding the uncertainty of his future.