

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 72 months (six years). The previous assessment 1000880-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	1981
Ombudsman ID	1000880-O1
Date of DIBP's reports	6 February 2017 and 7 August 2017
Total days in detention	2,188 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
11 August 2016	Transferred to Facility C.
22 December 2016	Transferred to Facility B.

Recent visa applications/case progression

28 February 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
7 August 2017	The Department of Immigration and Border Protection (the department) advised that Mr X has no matters before the department, the courts or tribunals and remains on a removal pathway.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X was involuntarily admitted to a psychiatric hospital after a general practitioner noted that he presented with symptoms of depression with psychotic features and was a danger to himself. The hospital psychiatric team reported that his mood and behaviour was a reaction to long term detention and likely to be caused by an adjustment disorder. Mr X declined a prescription for antidepressant medication and refused to engage with the mental health team.	
Mr X was monitored for food and fluid refusal and reported that he was frustrated and unhappy about his prolonged immigration detention. On 19 May 2017 a psychiatrist recommended a second admission to a psychiatric hospital for further assessment as he demonstrated poor insight and impaired judgement, however he declined to be voluntarily admitted. An IHMS Mental Health Medical Director advised that IHMS was liaising with local mental health services to monitor Mr X's care and discuss a further involuntary admission to a psychiatric hospital. IHMS have also requested further psychological support to assess his condition.	
9 January 2017 – 17 July 2017	Incident Reports recorded that that Mr X refused food and fluid on multiple occasions.
January 2017 and July 2017	Incident Reports recorded that Mr X was transported to hospital by ambulance on two occasions.

Ombudsman assessment/recommendation

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

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 was involuntarily admitted to a psychiatric hospital after presenting with depression with psychotic features and continues to refuse treatment. The hospital psychiatric team reported that his mood and behaviour was a reaction to long term detention and likely to be caused by an adjustment disorder. Further, an IHMS Mental Health Medical Director advised that IHMS was liaising with local mental health services to monitor Mr X's care and have requested further psychological support to assess his condition.

In light of the significant length of time Mr X has remained in detention, the absence of any recent behavioural or security concerns and the protracted nature of his immigration case, the Ombudsman recommends that consideration be given to placing Mr X in a less restrictive environment that can better support his mental health.