

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the sixth s 486O assessment on Mr X who has remained in immigration detention for more than seven years. The previous assessment 1000727-O1 was tabled in Parliament on 18 October 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A/Country B (dual citizenship), born in Country B
Year of birth	1966
Ombudsman ID	1000727-O2
Date of department's report	21 November 2017
Total days in detention	2,550 (at date of department's report)

Recent detention history

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

Recent visa applications/case progression

July 2017	The Minister lifted the bar under s 46B of the <i>Migration Act 1958</i> and in September 2017 Mr X was invited to lodge a temporary visa application.
August 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A for the grant of a bridging visa. This submission was returned un-actioned in October 2017.
September 2017	Mr X lodged a Safe Haven Enterprise visa (SHEV) application. In September 2017 this application was deemed invalid due to ss 91N and 91P.
October 2017	The Minister lifted the bar under s 91Q deeming Mr X's existing SHEV application to be valid.
November 2017	SHEV application refused.
November 2017	The Department of Home Affairs (the department) advised that Mr X's case would be referred to the Immigration Assessment Authority (IAA) for review. The department further advised that it was reviewing Mr X's case for a possible referral to the minister under s 195A for the grant of a bridging visa.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to be provided with psychological support and regularly attended counselling for the management of symptoms of detention fatigue, anxiety and depression after reporting feelings of hopelessness and helplessness associated with his ongoing detention.

IHMS further advised that Mr X continued to receive treatment for multiple physical health conditions.

Ombudsman assessment

Mr X was detained in November 2010 after arriving in Australia and has remained in an immigration detention facility for more than seven years. In September 2017 Mr X lodged an application for a SHEV and in November 2017 his application was refused. The department advised that Mr X's case would be referred to the IAA.

The Ombudsman's previous assessment recommended that the consideration of Mr X's case under s 195A for the grant of a bridging visa be expedited in light of the amount of time he had spent in an immigration detention facility.

In October 2017 the Minister advised that he had agreed to consider Mr X's case under s 195A and in November 2017 the department advised that a ministerial submission for consideration under s 195A was returned un-actioned.

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 multiple mental health concerns related to the uncertainty of his immigration status.

The department further advised that it was reviewing Mr X's case for a possible referral to the minister under s 195A.