

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 five years. The previous assessment 1001272-O was tabled in Parliament on 13 September 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	1979
Ombudsman ID	1001272-O1
Date of department's reports	28 August 2017 and 26 February 2018
Total days in detention	1,824 (at date of department's latest report)

Recent detention history

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

Recent visa applications/case progression

September 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.
February 2018	The Federal Circuit Court (FCC) dismissed Mr X's application for judicial review of the Refugee Review Tribunal's (RRT) ¹ decision to affirm the Department of Home Affairs' (the department) refusal of Mr X's Temporary Protection visa (TPV) application.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple physical health concerns. He was prescribed with medication and underwent regular pathology testing. IHMS further advised that Mr X continued to attend reviews with the mental health team for the management of mental health concerns. He was prescribed with medication and a report noted that he displayed symptoms of detention fatigue. At the time of IHMS's latest report he was awaiting further psychiatric review.

February 2018 An Incident Report recorded that Mr X threatened self-harm.

Other matters

September 2016	The department was notified that Mr X lodged a complaint with the Australian Human Rights Commission. In September 2017 and January 2018 the department provided further information. The matter remained ongoing at the time of the department's latest report.
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¹ On 1 July 2015 the Migration Review Tribunal and RRT were merged into the Administrative Appeals Tribunal.

Ombudsman assessment

Mr X was detained in February 2013 after arriving in Australia by sea and has remained in an immigration detention facility for more than five years.

In February 2018 the FCC dismissed Mr X's application for judicial review of the RRT's decision to affirm the department's refusal of Mr X's TPV application.

The Ombudsman's previous assessment recommended that in light of the significant length of time Mr X has remained in detention and the absence of any recent behavioural or security concerns, that he be considered under s 195A for the grant of a bridging visa.

On 13 September 2017 the Minister advised that the department was preparing a submission to refer Mr X's case for consideration under s 195A.

In September 2017 Mr X was found not to meet the guidelines under s 195A for referral to the Minister.

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 and physical health concerns and was noted to display symptoms of detention fatigue.