

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABBING 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 a cumulative period of more than four and a half years. The previous assessment 1001618-O1 was tabled in Parliament on 7 February 2018. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1986
Ombudsman ID	1001618-O2
Date of department's report	18 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 C.

Recent visa applications/case progression

August 2017	Lodged an application for a bridging visa that was deemed invalid.
November 2017	Found not to meet the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> .
December 2017	The Department of Home Affairs (the department) advised that reconsideration of Mr X's Safe Haven Enterprise visa (SHEV) application following its remittal from the Federal Circuit Court remained ongoing.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for chronic pain. He was prescribed medication and referred to a physiotherapist for review.

IHMS further advised that Mr X continued to attend counselling and take prescribed medication for the management of multiple mental health concerns, including symptoms of fatigue and frustration due to his prolonged detention.

Ombudsman assessment

Mr X was detained in October 2012 after arriving in Australia by sea and has remained in an immigration detention facility for a cumulative period of more than four and a half years.

At the time of the department's latest report, reconsideration of Mr X's SHEV application remained ongoing.

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 continued to receive treatment for multiple mental health concerns, including symptoms of fatigue and frustration due to his prolonged detention.