

## 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 90 months (seven and a half years). The previous assessment 1000319-O was tabled in Parliament on 13 September 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1000319-O1
<b>Date of department's report</b>	26 September 2017
<b>Total days in detention</b>	2,732 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
12 July 2017	Transferred to Facility A.

### Recent visa applications/case progression

28 March 2017	The Minister declined to intervene under s 195A of the <i>Migration Act 1958</i> to grant Mr X a bridging visa.
16 August 2017	Identified for assessment against the guidelines under s 195A for a possible referral to the Minister.
26 September 2017	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he is on a removal pathway.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X remained on waiting lists for surgical procedures for a nasal condition and a skin condition. He received a steroid injection for shoulder pain in February 2017 with limited improvement noted in May 2017.

IHMS further advised that Mr X was reviewed by a psychiatrist in June 2017 and reported that he had been experiencing anxiety and panic attacks. The psychiatrist noted that Mr X displayed anger and dependence on a form of drugs typically prescribed for anxiety and sleep concerns. He was prescribed with antidepressant medication. In July 2017 Mr X engaged with the mental health team and received support for his drug dependence and related anxiety. He continued to be supported as required.

### **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 immigration detention, both in a detention facility and the community, for more than seven and a half years. He has no matters before the department, the courts or tribunals and is on a removal pathway.

The Ombudsman's previous assessment recommended that Mr X be considered under ss 195A and 197AB for the grant of a bridging visa or a community placement.

On 13 September 2017 the Minister advised that Mr X's case was being assessed for a possible referral under s 195A and that pending that outcome, he may be considered for the grant of a community placement.

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 reports symptoms of anxiety including panic attacks and has developed a dependence on drugs that are typically prescribed for anxiety and sleep concerns.

The Ombudsman notes that Mr X's removal is likely to be protracted as involuntary removal to Country A is not possible at present.

In light of the significant length of time Mr X has remained in detention the Ombudsman recommends that the department expedite the consideration of Mr X's case under s 195A for the grant of a bridging visa on departure grounds.