

## 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 four and a half years. The previous assessment 1001820-01 was tabled in Parliament on 29 November 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>	1983
<b>Ombudsman ID</b>	1001820-02
<b>Date of department's report</b>	11 January 2018
<b>Total days in detention</b>	1,640 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B	
August 2017	Transferred to Facility E.

### Recent visa applications/case progression

December 2017	Identified for assessment against the guidelines for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
January 2018	<p>The Department of Home Affairs (the department) advised that it was notified in November 2017 that an external agency had issued a Qualified Security Assessment (QSA) in respect of Mr X.</p> <p>The department further advised that it was assessing Mr X's protection claims and considering the impact of the QSA on Australia's protection obligations.</p>

### Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment for multiple mental health concerns. IHMS previously reported that Mr X's mental health was being adversely affected by his placement in an immigration detention facility and that a psychiatrist had recommended that a placement in the community and the speedy resolution of Mr X's immigration status would prevent further deterioration in his mental health. He attended a mental health review in August 2017 after he expressed suicidal ideation when he was informed that he was being transferred to another facility. Mr X was recommended to attend a medication review with a psychiatrist and continued to engage with the mental health team.</p> <p>IHMS further advised that Mr X received treatment for multiple physical health concerns. He underwent investigative testing and was referred to a hospital emergency department in July 2017.</p>	
August 2017	An Incident Report recorded that Mr X expressed suicidal ideation.
November 2017 – November 2017	An Incident Report recorded that Mr X refused food and fluid.

## Ombudsman assessment

Mr X was detained in July 2013 after arriving in Australia by sea and has remained in an immigration detention facility for more than four and a half years.

In February 2016 Mr X lodged a Safe Haven Enterprise visa application. In January 2018 the department advised that Mr X had been issued with a QSA and that it was considering the impact of Mr X's QSA on Australia's protection obligations.

The Ombudsman's previous assessment recommended that in light of the significant length of time he has remained in an immigration detention facility and the adverse impact of his prolonged detention on his mental health, Mr X be considered under s 195A for the grant of a bridging visa.

In November 2017 the Minister advised that he had considered Mr X's case under s 195A and declined to intervene. The Minister further advised that as there had been no significant change in Mr X's case further consideration was not appropriate at this time.

In January 2018 the department advised that Mr X had been identified for assessment against the guidelines for referral to the Minister under s 195A and that the matter 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.

The Ombudsman notes that IHMS previously reported that Mr X's mental health was being adversely affected by his placement in an immigration detention facility and that a psychiatrist had recommended that a placement in the community and the speedy resolution of Mr X's immigration status would prevent further deterioration in his mental health.