

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X who has remained in immigration detention for more than 48 months (four years). The previous assessment 1001583-O was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

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| Name | Mr X |
| Citizenship | Country A |
| Year of birth | 1993 |
| Ombudsman ID | 1001583-O1 |
| Date of DIBP's reports | 13 December 2016 and 13 June 2017 |
| Total days in detention | 1,458 (at date of DIBP's latest report) |

Recent detention history

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| Since the Ombudsman's previous assessment (1001583-O), Mr X remained at Wickham Point Alternative Place of Detention. | |
| 16 June 2016 | Transferred to Facility B. |

Recent visa applications/case progression

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| 13 December 2016 | The Department of Immigration and Border Protection (the department) advised that Mr X was no longer a person of interest to an external agency and had been provided with a penal clearance from the Australian Federal Police. |
| 12 April 2017 | Mr X attended an identity assessment interview with the department. |
| 13 June 2017 | The department advised that the processing of Mr X's Safe Haven Enterprise visa (SHEV) application remained ongoing. |

Health and welfare

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| <p>International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment and attend specialist counselling for the management of an adjustment disorder, detention fatigue and a history of torture and trauma. He presented with progressive deterioration in his psychological functioning, growing hopelessness and depressed mood in relation to his prolonged detention. A treating psychologist recommended in February 2017 that Mr X be considered for a community detention placement and advised that for his mental health to improve he requires opportunities to feel like he is part of a community and to develop a sense of purpose and meaning in his life. The psychologist further recommended that priority be given to resolving his immigration status, as his continued detention would likely result in further psychological harm.</p> <p>IHMS further advised that Mr X received treatment for ongoing physical health concerns, including a sprained ankle, back pain and leg swelling.</p> | |
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Information provided by Mr X

During an interview with Ombudsman staff at Facility B in June 2017 Mr X said that he continued to await the processing of his SHEV application and did not understand why it was taking so long and why he was still in detention.

Mr X advised that he usually sees his case manager once a month and that they had told him all he could do is wait until his SHEV application had been assessed by the department. He thought that he had a clear security assessment and had attended two interviews with the department, though it was unclear to him what they related to.

Mr X said that he keeps to himself in his room and doesn't participate in activities or go on excursions. He said that he has lost hope and feels broken after being in detention for over four years.

He advised that he did not like having to wear restraints when attending medical appointments and stated that he did not find IHMS helpful, especially when dealing with physical health concerns. However he did find specialist counselling helpful.

Friends and people in the community who help him with his case sometimes visit him and he regularly talks with his mother in Country A.

Ombudsman assessment/recommendation

Mr X was detained on 16 June 2013 after arriving in Australia by sea and has been held in an immigration detention facility for more than four years.

On 23 April 2016 Mr X lodged a SHEV application and at the time of the department's latest report, processing of his application remained ongoing.

The Ombudsman's previous assessment (1001583-O) recommended that Mr X be considered under ss 195A and 197AB of the *Migration Act 1958* for the grant of a bridging visa or community detention placement.

On 20 October 2016 the Minister advised that Mr X's case was not referred to him as Mr X did not meet the guidelines for consideration under ss 195A or 197AB.

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 with serious concern the advice of IHMS that Mr X continued to receive treatment for multiple mental health concerns related to his detention environment and the recommendation of a psychologist that Mr X be considered for a community detention placement.

In light of the significant length of time Mr X has remained in detention and the absence of any recent behavioural or security concerns, the Ombudsman recommends that Mr X's case be referred to the Minister for consideration under ss 197AB and 195A for a community detention placement or the grant of a bridging visa while he awaits the processing of his SHEV application.