

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X who has remained in immigration detention for more than five and a half years. The previous assessment 1000966-O1 was tabled in Parliament on 18 October 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	1976
Ombudsman ID	1000966-O2
Date of department's report	1 November 2017
Total days in detention	2,004 (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

October 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
November 2017	The Department of Home Affairs (the department) advised that Mr X continued to await the outcome of his application for merits review at the Administrative Appeals Tribunal in relation to the refusal of his Temporary Protection visa application.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to engage with the mental health team for the management of depression and anxiety. He was referred to a psychiatrist following a deterioration in his mental health due to his immigration situation and ongoing separation from his family. The treating psychiatrist noted that Mr X was experiencing stress, low mood and sleeping difficulties. He was diagnosed with an adjustment disorder but declined to be prescribed with medication for his symptoms. He continued to be supported by the mental health team.

IHMS further advised that Mr X was prescribed with anti-inflammatory medication and attended physiotherapy for the treatment of ongoing shoulder pain.

Other matters

Mr X's wife and children continue to reside in the community on bridging visas.

Ombudsman assessment/recommendation

Mr X has been found not to be owed protection under the *Migration Act 1958* and has remained in an immigration detention facility for more than five and a half years. At the time of the department's report he was awaiting the outcome of merits review.

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

On 18 October 2017 the Minister advised that Mr X had been referred to him for consideration under s 195A.

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 was diagnosed with an adjustment disorder and continued to receive treatment for symptoms related to his immigration situation and separation from his family.

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 the Minister expedite consideration of Mr X's case under s 195A for the grant of a bridging visa.