

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 a cumulative period of more than four years. The previous assessment 1002197-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	1002197-O2
Date of department's report	16 October 2017
Total days in detention	1,458 (at date of department's report)

Recent detention history

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

Recent visa applications/case progression

The Department of Home Affairs (the department) has advised that it is exploring options to resolve Mr X's immigration status.	
October 2017	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to grant Mr X a community placement.

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 complex mental health concerns. It was noted that Mr X was self-isolating and he was subsequently placed on Supportive Monitoring and Engagement observations as he was experiencing detention fatigue. A mental health nurse noted that Mr X was at low risk of self-harm but had depressive symptoms related to his situational circumstances. He was prescribed with medication and continued to be monitored by the mental health team. IHMS further advised that Mr X continued to be prescribed with medication for chronic neck, wrist and ankle pain and was reviewed for a medical condition. He was referred to a specialist for further review with an appointment scheduled for November 2017.	
June 2017	An Incident Report and IHMS advised that Mr X was allegedly involved in an incident and was transported to hospital for treatment.

Ombudsman assessment/recommendation

Mr X was detained in September 2013 after arriving in Australia by sea and has remained in an immigration detention facility for a cumulative period of more than four years without his protection claims being processed.

Mr X was transferred to an RPC and returned to Australia. In October 2017 the department advised that it is exploring options to resolve Mr X's immigration status.

The Ombudsman's previous assessment recommended that priority be given to resolving Mr X's immigration status.

On 18 October 2017 the Minister advised that department continues to identify options to manage Mr X's immigration status.

Without an assessment of Mr X's claims it appears likely he will remain in detention indefinitely.

The Ombudsman notes the government's duty of care to detainees and the serious risk to mental and physical health posed by an apparently indefinite period of detention. IHMS has advised that Mr X exhibited symptoms of depression relating to his situational circumstances.

The Ombudsman recommends that the department make arrangements for the processing of Mr X's protection claims.