

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 a cumulative period of more than six years. The previous assessment 1000677-O 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	1993
Ombudsman ID	1000677-O1
Date of department's report	13 November 2017
Total days in detention	2,188 (at date of the department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X has remained at Facility B.

Recent visa applications/case progression

July 2017	Found not to meet the guidelines for referral to the Minister under s 197AB of the <i>Migration Act 1958</i> for the grant of a community placement.
November 2017	The Department of Home Affairs (the department) advised that as Mr X has no matters before the department, the courts or tribunals, he remains on a removal pathway.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for distress relating to his immigration status. In August 2017 Mr X threatened self-harm. He was reviewed by the mental health team and declined further follow-up support.

August 2017	An Incident Report recorded that Mr X threatened self-harm
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Ombudsman assessment

Mr X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in detention for a cumulative period of more than six 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 in light of the significant length of time Mr X has remained in detention, that he be considered again under s 195A for the grant of a bridging visa.

In October 2017 the Minister advised that he had recently declined to grant Mr X a bridging visa 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 received treatment for distress associated with his immigration status and threatened self-harm.

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