

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the seventh s 486O assessment on Ms X who has remained in immigration detention for more than seven and a half years. The previous assessment 1000516-O1 was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

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| Name | Ms X |
| Citizenship | Country A |
| Year of birth | 1974 |
| Ombudsman ID | 1000516-O2 |
| Date of department's report | 14 December 2017 |
| Total days in detention | 2,732 (at date of department's report) |

Recent detention history

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

Recent visa applications/case progression

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| November 2017 | The Department of Home Affairs advised that Ms X is not being considered for referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa until her matter before the Federal Circuit Court (FCC) is finalised. |
| March 2018 | The FCC dismissed Ms X's application for judicial review of her negative International Treaties Obligations Assessment (ITOA) outcome. |

Health and welfare

International Health and Medical Services (IHMS) advised that Ms X was noted to be anxious and frightened following an alleged assault by another detainee. She was transferred within the detention facility and placed on Supportive Monitoring and Engagement observations.

IHMS further advised that Ms X was supported and reviewed by the mental health team following family deaths.

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| September 2017 | An Incident Report recorded that Ms X threatened self-harm. |
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Detention incidents

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| June 2017 | An Incident Report recorded that Ms X was allegedly assaulted by another detainee. |
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Ombudsman assessment/recommendation

Ms X has been found not to be owed protection under the Refugee Convention and the complementary protection criterion and has remained in an immigration detention facility for more than seven and a half years.

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

On 29 November 2017 the Minister advised that Ms X would not be considered for referral to the Minister under s 195A for the grant of a bridging visa until her matter before the FCC was finalised.

In March 2018 the FCC dismissed Ms X's application for judicial review of her negative ITOA outcome.

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.

1. In light of the significant length of time Ms X has remained in detention and the absence of any recent behavioural or security concerns, and the finalisation of her FCC matter, the Ombudsman again recommends that Ms X be considered under s 195A for the grant of a bridging visa.