

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 1001820-O was tabled in Parliament on 15 February 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	1983
Ombudsman ID	1001820-O1
Date of DIBP's reports	12 January 2017 and 13 July 2017
Total days in detention	1,458 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment (1001820-O), Mr X has remained at Yongah Hill Immigration Detention Centre (IDC).

Recent visa applications/case progression

12 December 2016	The Minister declined to consider Mr X's case under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
24 January 2017 and 28 June 2017	The Department of Immigration and Border Protection (the department) requested that Mr X provide further information in relation to his Safe Haven Enterprise visa (SHEV) application.
13 July 2017	The department advised that Mr X remains a person of interest to an external agency and his security assessment is being actively assessed.

Health and welfare

International Health and Medical Services advised that Mr X was provided with treatment for multiple mental health concerns, including anxiety and a history of trauma and torture. Mr X presented with frustration related to his ongoing detention and advised that he was experiencing low mood and poor appetite. He was reviewed by a psychiatrist in February and May 2017 and diagnosed with an adjustment disorder, depression and stress related to his detention situation and poor sleep. The psychiatrist recommended that being transferred to community detention and the speedy resolution of Mr X's immigration status would prevent further deterioration of his mental health.

Information provided by Mr X

During an interview with Ombudsman staff at Yongah Hill IDC on 23 May 2017 Mr X advised that he attended an interview in relation to his temporary protection visa application one year ago. Mr X stated that his case manager had informed him that he was found to be a refugee in July 2016 but remained in detention because of security issues. However, Mr X advised that during an interview with the Australian Security Intelligence Organisation he was advised that there were no security issues relating to his case.

Mr X reported that his health is adversely affected by being in detention. He said that he has been admitted to hospital multiple times as there is an electrical issue with his heart. He advised that a mental health nurse noted that his heart condition was related to stress and there was no medical treatment available. He also advised that he has been attending psychological counselling since the death of his father six months ago.

Mr X advised that he does not have family in Australia but does have a support network of friends in Sydney.

Ombudsman assessment/recommendation

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

Mr X lodged a SHEV application on 17 February 2016 and the department has requested he provide further information in relation to his application.

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 that a psychiatrist recommended that being transferred to community detention and the speedy resolution of Mr X's immigration status would prevent further deterioration of his mental health.

The Ombudsman further notes that Mr X has been identified as a person of interest to an external agency and the department has advised that his security assessment is being actively assessed.

In light of this advice and the significant length of time Mr X has remained in an immigration detention facility, the Ombudsman recommends that Mr X's case be considered under s 195A for the grant of a bridging visa.