

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than 42 months (three and a half years).

The first assessment 1002260-O was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Stateless, born in Country A
Year of birth	1975
Ombudsman ID	1002260-O1
Date of DIBP's reviews	12 December 2016 and 12 June 2017
Total days in detention	1,276 (at date of DIBP's latest review)

Recent detention history

Since the Ombudsman's previous assessment (1002260-O), Mr X has remained at Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

The Department of Immigration and Border Protection (the department) has advised that it is exploring options to resolve Mr X's immigration status.

19 January 2017	Found not to meet the guidelines for referral to the Minister under s 197AB of the <i>Migration Act 1958</i> for a community detention placement.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple physical health concerns, including hepatitis C and chronic back pain. In March 2017 he underwent investigative testing and attended physiotherapy after presenting with acute back pain. He continued to be monitored by a general practitioner and was awaiting a gastroenterology appointment at the time of IHMS's latest report.

Ombudsman assessment/recommendation

Mr X was detained on 5 December 2013 after arriving in Australia by sea and has been held in an immigration detention facility for a cumulative period of more than three and a half years with no processing of his protection claims.

Mr X was transferred to an RPC and returned to Australia for medical treatment. The department advised that it is exploring options to resolve Mr X's immigration status.

The Ombudsman's previous assessment (1002260-O) recommended that the department expedite the resolution of Mr X's immigration status.

On 20 October 2016 the Minister advised that the department continues to identify options to manage Mr X's immigration status.

The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to mental and physical health prolonged and apparently indefinite detention may pose.

The Ombudsman notes that without an assessment of Mr X's claims it appears likely he will remain in detention indefinitely.

The Ombudsman again recommends that the department expedite the resolution of Mr X's immigration status.