

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1982
Ombudsman ID	1002680-O
Date of DIBP's report	30 May 2017
Total days in detention	738 (at date of DIBP's report)

Detention history

14 December 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea.
18 December 2013	Transferred to Nauru Regional Processing Centre (RPC) and on 27 May 2015 returned to Australia and re-detained under s 189(1).
22 May 2017	Placed in the community. ¹
28 August 2017	Granted a Final Departure Bridging visa and released from immigration detention.

Visa applications/case progression

<p>Mr X arrived in Australia by sea after 19 July 2013 and was transferred to an RPC. The Department of Immigration and Border Protection (the department) has advised that Mr X is barred under ss 46A and 46B from lodging a valid protection visa application in Australia as a result of his method of arrival and transfer to an RPC.</p> <p>Mr X was returned to Australia from an RPC for medical treatment on 27 May 2015.</p> <p>The department has advised that under current policy settings Mr X is not eligible to have his protection claims assessed in Australia and remains liable for transfer back to an RPC on completion of his treatment.</p>	
12 May 2017	The Minister intervened under s 197AB to grant Mr X a community placement.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X underwent testing and received treatment for varicose veins, foot pain, shoulder concerns and hand pain. Following specialist review of his hand pain Mr X was advised that surgery was not required and physiotherapy was recommended. He was also prescribed with medication to manage shoulder pain.</p> <p>IHMS further advised that Mr X engaged with the mental health team and specialist counselling for the management of a history of torture and trauma.</p>	
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¹ Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

Case status

Mr X was granted a Final Departure Bridging visa on 28 August 2017 and was released from immigration detention.