

## ASSESSMENT (ABRIDGED) 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 remained in immigration detention for a cumulative period of more than 42 months (three and a half years). The previous assessment 1002214-O1 was tabled in Parliament on 14 June 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Stateless, born in Country A
<b>Year of birth</b>	1989
<b>Ombudsman ID</b>	1002214-O2
<b>Date of DIBP's report</b>	3 May 2017
<b>Total days in detention</b>	1,276 (at date of DIBP's report)

### Recent detention history

Mr X had remained in an immigration detention facility.	
23 June 2017	The Department of Immigration and Border Protection (the department) advised that Mr X had been placed in the community. <sup>1</sup>
28 August 2017	Granted a Final Departure Bridging visa and released from immigration detention.

### Recent visa applications/case progression

The department has advised that it is exploring options to resolve Mr X's immigration status.
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### Health and welfare

International Health and Medical Services advised that Mr X continued to be monitored and was prescribed with medication for chronic hepatitis B.
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<sup>1</sup> Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

### **Ombudsman assessment/recommendation**

Mr X was detained on 20 October 2013 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than three and a half years with no processing of his protection claims.

Mr X was transferred to a Regional Processing Centre and returned to Australia. On 3 May 2017 the department advised that it is exploring options to resolve Mr X's immigration status.

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

The Ombudsman's previous assessment (1002214-O1) recommended that the department expedite the resolution of Mr X's immigration status. The Ombudsman further recommended that Mr X's referral to the Minister for consideration of a community detention placement be expedited.

On 14 June 2017 the Minister advised that the department continues to identify options to resolve Mr X's immigration status. The Minister further advised that the department was preparing a submission for the consideration of a community placement for Mr X under s 197AB.

The Ombudsman notes the advice from IHMS that Mr X has a medical condition that requires ongoing treatment.

Noting that there is currently no clear processing pathway for Mr X, the Ombudsman recommends that the department make arrangements for the processing of Mr X's protection claims.