

**ASSESSMENT (ABRIDGED) 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	1983
Ombudsman ID	1002627-O
Date of DIBP's report	23 March 2017
Total days in detention	730 (at date of DIBP's report)

Detention history

6 December 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea.
10 December 2013	Transferred to Nauru Regional Processing Centre (RPC) and on 27 March 2015 he was returned to Australia and re-detained under s 189(1).
24 July 2017	The Department of Immigration and Border Protection (the department) advised that Mr X had been 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 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 March 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>

¹ Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for chronic hip, back, knee and shoulder pain, urological concerns, kidney stones and a pancreatic cyst. He underwent testing for his chronic pain and was recommended ongoing physiotherapy, rehabilitation and psychological therapy with further specialist review. IHMS reported that Mr X was reviewed for his urological concerns and underwent surgery in 2016.

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, an adjustment disorder with anxious mood and post-traumatic stress disorder. He reported experiencing nightmares and anxiety and was prescribed with medication.

5 August 2016 and 12 August 2016	Incident Reports recorded that Mr X self-harmed on two occasions.
28 September 2016	An Incident Report recorded that Mr X was transported to hospital by ambulance.

Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but declined to do so.

Case status

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