

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 remained in immigration detention for more than 36 months (three years). The previous assessment 1002361-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002361-O1
Date of department's report	5 April 2017
Total days in detention	1,094 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
14 July 2017	Granted a bridging visa and released from immigration detention.

Recent visa applications/case progression

17 October 2016	Administrative Appeals Tribunal affirmed the refusal of his Temporary Protection visa application.
3 November 2016	Applied to the Federal Circuit Court (FCC) for judicial review.
10 March 2017	FCC reserved judgment.
14 July 2017	Granted a bridging visa.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple complex physical health concerns, including type 2 diabetes, back pain and sleeping difficulties. In December 2016 he presented to a general practitioner (GP) with back pain related to obesity and was referred to physiotherapy. In January 2017 he was reviewed by a podiatrist and specialist diabetes clinic and his prescribed medication was adjusted. In February 2017 a GP noted significant improvements in Mr X's blood sugar levels and wellbeing and his condition was monitored in accordance with a diabetes care plan.</p> <p>IHMS further advised that Mr X was reviewed by a specialist respiratory clinic and a general surgeon for the management of sleep apnoea and a hernia. He also engaged with the mental health team and a psychologist for the management of depressed mood and a history of torture and trauma.</p>

Other matters

21 June 2017	Mr X raised concerns with Ombudsman staff regarding the acquisition of a breathing apparatus to assist with his sleep apnoea. The matter was investigated and IHMS advised that because some detainees had been non-compliant, a machine was only initially rented for two months. Ombudsman staff were advised that the facility was in the process of acquiring a permanent machine.
--------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Information provided by Mr X

<p>During an interview with Ombudsman staff on 21 June 2017 Mr X advised that he had obtained legal representation through Legal Aid and was awaiting the outcome of his case before the FCC. He stated that he had last spoken to his case manager three to four weeks ago.</p> <p>Mr X stated that being in detention affected his mental and physical health. He stated that he tried to remain calm but that sometimes he felt frustrated and stayed in his room. He advised that he had spoken to a mental health nurse who was also from Country A and she had advised him to keep himself busy.</p>

Case status

<p>Mr X was detained on 7 April 2014 after being refused immigration clearance and remained in an immigration detention facility for more than three years.</p> <p>Mr X was granted a bridging visa on 14 July 2017 and released from immigration detention.</p>
