

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 a cumulative period of more than 42 months (three and a half years). The previous assessment 1002216-O was tabled in Parliament on 14 June 2017. 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	1991
Ombudsman ID	1002216-O1
Date of DIBP's report	4 May 2017
Total days in detention	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. ¹
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.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for hepatitis B and required ongoing blood test monitoring, ultrasounds and specialist review. IHMS further advised that Mr X underwent an x-ray and MRI scan for knee and foot concerns and was determined to have an irregularity in his toe and knee cartilage degeneration. Further specialist review was pending at the time of IHMS's latest report.	
IHMS also advised that Mr X attended scheduled mental health appointments and was monitored by the mental health team for the management of his depressed mood.	
4 March 2017	An Incident Report recorded that Mr X self-harmed and was transported to hospital the following day.

Information provided by Mr X

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

¹ 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 detention 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 4 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 (1002216-O) recommended that Mr X's case be referred to the Minister for consideration of a community placement and that the department expedite the resolution of Mr X's immigration status.

On 14 June 2017 the Minister noted the recommendations and advised that the department continues to identify options to resolve Mr X's immigration status. The Minister further advised that the department was preparing Mr X's case for consideration under s 197AB of the *Migration Act 1958* for the grant of a community placement.

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.