

**ASSESSMENT (ABRIDGED) 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 1002303-O was tabled in Parliament on 15 February 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	1987
Ombudsman ID	1002303-O1
Date of DIBP's reports	1 February 2017 and 2 August 2017
Total days in detention	1,276 (at date of DIBP's latest report)

Recent detention history

Mr X remained in an immigration detention facility.	
16 June 2017	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 of Immigration and Border Protection (the department) has advised that it is exploring options to resolve Mr X's immigration status.	
16 June 2017	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to grant Mr X a community placement.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to engage with the mental health team and attended regular counselling for the management of poor sleep, depression and anxiety related to concerns about his family's safety. Mr X was placed under Supportive Monitoring and Engagement observations following an incident of self-harm that resulted from distress associated with his wife leaving him and remarrying. IHMS further advised that Mr X commenced treatment for hepatitis C in August 2016. The treatment was completed and Mr X continued to be monitored for this condition as required.	
2 November 2016	An Incident Report recorded that Mr X threatened self-harm.
24 May 2017	An Incident Report recorded that Mr X self-harmed.

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

Information provided by Mr X

During an interview with Ombudsman staff in May 2017 Mr X advised that he often felt very sad and was very worried about his family who remained in his home country. He stated that he had four children but his wife had left him because he had been in Australia for so long. He stated that he was worried about the safety of his children and was unable to get in contact with them. He explained that he had tried to hang himself the day prior as he was feeling very distressed after receiving news about his wife.

Mr X stated that he did not understand why he remained in an immigration detention facility and felt he had done nothing wrong. He stated that he wished to be placed in the community as living in detention was very hard for him.

Ombudsman assessment/recommendation

Mr X was detained on 5 December 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 2 August 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 (1002303-O) recommended that priority be given to exploring options to enable the resolution of Mr X's immigration status.

On 15 February 2017 the Minister noted the recommendation and advised that the department continues to identify options to resolve Mr X's immigration status.

The Ombudsman notes with concern advice from IHMS that Mr X suffers from mental health concerns and required close monitoring after incidents of self-harm.

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.