

## 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 Ms X who remained in immigration detention for a cumulative period of more than 30 months (two and a half years). The previous assessment 1002532-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

<b>Name</b>	Ms X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1985
<b>Ombudsman ID</b>	1002532-O1
<b>Date of DIBP's report</b>	20 April 2017
<b>Total days in detention</b>	912 (at date of DIBP's report)

### Recent detention history

Ms X remained in an immigration detention facility.	
1 February 2017	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 of Immigration and Border Protection (the department) has advised that under current policy settings Ms X is not eligible to have her protection claims assessed in Australia and remains liable for transfer back to a Regional Processing Centre (RPC) on completion of her treatment.	
7 January 2017	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to grant Ms X a community placement.

### Health and welfare

<p>International Health and Medical Services (IHMS) advised that Ms X was prescribed with medication for the treatment and management of chronic back pain, gynaecological concerns and a bacterial stomach infection. Ms X underwent testing for chest pain and palpitations with results indicating no concerns.</p> <p>IHMS further advised that Ms X continued to engage with mental health services for the management of post-traumatic stress disorder and a major depressive disorder. Following psychiatric review in November 2016 Ms X disclosed that she had been in immigration detention for an extensive period of time and was concerned that she would begin to fear freedom. Her mental health continued to be monitored by a general practitioner.</p>	
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<sup>1</sup> Ms X was granted a placement in the community under s 197AB and remained in immigration detention.

## Other matters

On 30 January 2017 Ms X advised that she was in a new relationship with another detainee who was removed from Australia in February 2017.

## Ombudsman assessment/recommendation

Ms X was detained on 31 July 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 two and a half years.

Ms X was transferred to an RPC and returned to Australia for medical treatment. The department advised that because Ms X arrived after 19 July 2013 she remains liable for transfer back to an RPC on completion of her treatment.

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

The Ombudsman's previous assessment (1002532-O) recommended that the department prioritise the assessment of Ms X's case for a community placement under the s 197AB guidelines and that priority be given to exploring options to resolve Ms X's immigration status.

On 1 March 2017 the Minister noted the recommendation and advised that Ms X had been granted a community placement and that under current legislation and policy settings, she remains subject to return to an RPC on completion of her treatment.

The Ombudsman notes with concern Ms X's ongoing mental health concerns and her need for continued support.

In light of these concerns, the Ombudsman recommends that the department explore options to provide further access to support and medical services while Ms X remains in the community on a Final Departure Bridging visa to better manage her ongoing health concerns.