

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the third s 486O assessment on Mr X who has remained in immigration detention for a cumulative period of more than four years. The previous assessment 1002270-O1 was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Stateless, born in Country A
<b>Year of birth</b>	1987
<b>Ombudsman ID</b>	1002270-O2
<b>Date of department's report</b>	17 December 2017
<b>Total days in detention</b>	1,458 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X has continued to be placed in the community.<sup>1</sup>

### Recent visa applications/case progression

The Department of Home Affairs (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 continued to be monitored for a chronic medical condition and was referred for specialist review.

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<sup>1</sup> Mr X was granted a placement in the community under s 197AB of the *Migration Act 1958* and remains in immigration detention.

### **Ombudsman assessment/recommendation**

Mr X was detained in December 2013 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than four years with no processing of his protection claims.

Mr X was transferred to a Regional Processing Centre and returned to Australia.

The Ombudsman's previous assessment recommended that the department expedite the resolution of Mr X's immigration status.

On 29 November 2017 the Minister advised that the department is exploring options to resolve Mr X's immigration status.

Without an assessment of Mr X's claims it appears likely he will remain in detention indefinitely.

The Ombudsman notes the government's duty of care to detainees and the serious risk to mental and physical health posed by an apparently indefinite period of detention.

IHMS has advised that Mr X continued to be monitored for a chronic medical condition.

1. The Ombudsman recommends that the department make arrangements for the processing of Mr X's protection claims.