

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 36 months (three years). The previous assessment 1002468-O was tabled in Parliament on 6 September 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	1987
Ombudsman ID	1002468-O1
Date of DIBP's report	7 August 2017
Total days in detention	1,096 (at date of DIBP's report)

Recent detention history

Mr X continued to be 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 under current policy settings Mr X is not eligible to have his protection claims assessed in Australia and remains liable for transfer back to a Regional Processing Centre on completion of his treatment.	
31 March 2017	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to grant Mr X a community placement.
7 August 2017	The department advised that it is supporting the government of Nauru to finalise the Refugee Status Determination of Mr X while he remains temporarily in Australia for medical treatment.

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

Health and welfare

International Health and Medical Services (IHMS) advised that prior to being placed in the community Mr X engaged with specialist counselling and the mental health team for the management of post-traumatic stress disorder, a history of torture and trauma and a major anxiety and depressive disorder. A psychologist reported that he presented with anxiety, low mood and suicidal ideation due to his ongoing placement within an immigration detention facility, however he elected to take a break from counselling. Following his placement in the community Mr X continued to comply with his prescribed medication and was aware of where to seek support if required.

IHMS further advised that Mr X continued to receive treatment for chronic back pain. In March 2017 he reported experiencing associated urinary concerns and underwent testing to exclude a possible neurological cause. The tests did not indicate any concerns and Mr X was educated on lifestyle changes and continued physiotherapy. Following his placement in the community a general practitioner advised that Mr X no longer had any associated leg weakness and was walking properly. Mr X continued to take prescribed pain relief medication and an appointment with a pain clinic was pending.

Case status

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