

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 Ms X who has remained in immigration detention for a cumulative period of more than 36 months (three years). The previous assessment 1002507-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	Ms X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1002507-O1
Date of department's report	19 September 2017
Total days in detention	1,094 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Ms X has continued to be placed in the community.¹ In September 2017 the Department of Home Affairs (the department) advised that it had made arrangements for Ms X's husband to reside at her community placement address on an ongoing temporary basis.

Recent visa applications/case progression

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.

September 2017	<p>The department advised that it is supporting the government of Nauru to finalise the Refugee Status Determination of Ms X while she remains temporarily in Australia for medical treatment.</p> <p>The department further advised that Ms X is seeking an injunction preventing her removal from Australia.</p>
----------------	--

¹ Ms X was granted a placement in the community under s 197AB of the *Migration Act 1958* and remains in immigration detention.

Health and welfare

International Health and Medical Services (IHMS) advised that Ms X received treatment for multiple complex mental health concerns. In July 2017 a specialist counsellor advised that Ms X presented with significant mental health concerns and symptoms of post-traumatic stress disorder and anxiety. The counsellor noted that Ms X experienced persistent distress at being reminded of her immigration status by her case manager.

IHMS further advised that Ms X's case manager contacted her treating psychiatrist with concerns that her mental health had deteriorated. Ms X was reviewed by her psychiatrist on the same day who recommended that Ms X's husband be allowed to live with her as he was a valuable support. In a subsequent review, Ms X reported some improvement in her condition from her medication adjustments and having her husband live with her. She continued to engage with specialist counselling and psychotherapy.

Ms X also continued to be monitored by a general practitioner for an inherited blood disorder and other medical conditions.

Other matters

Ms X's husband resides in Australia on a bridging visa and her brother resides in Australia on a Temporary Protection visa.

Ombudsman assessment

Ms X was detained in October 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 three 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.

The Ombudsman's previous assessment recommended that priority be given to resolving Ms X's immigration status while noting ongoing mental health concerns. The Ombudsman further advised that consideration be given to changing Ms X's community placement address to allow her to reside with her husband.

On 6 September 2017 the Minister advised that the department is supporting the government of Nauru to finalise Ms X's Refugee Status Determination while she remains in Australia. The Minister further advised that her community placement was being reviewed.

Ms X's return to an RPC is likely to be protracted due to her ongoing mental health concerns.

IHMS advised that Ms X reported some improvement in her mental health concerns following arrangements for her husband to reside with her at her community placement address.

The Ombudsman notes with concern that it appears likely that Ms X will remain in detention for a prolonged and uncertain period while she receives medical treatment posing a significant risk to her mental health.