

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 1002274-O1 was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1986
Ombudsman ID	1002274-O2
Date of department's report	28 December 2017
Total days in detention	1,461 (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.¹

Recent visa applications/case progression

The Department of Home Affairs (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 (RPC) on completion of his treatment.

28 December 2017	The department advised that it is supporting the Government of Papua New Guinea to finalise the Refugee Status Determination of Mr X while he remains temporarily in Australia for medical treatment.
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Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to be prescribed with medication and attend counselling for the management of mental health concerns. He presented with ongoing psychological symptoms and was referred to a psychiatrist.

IHMS further advised that Mr X continued to receive treatment for multiple physical health concerns.

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

Ombudsman assessment

Mr X was detained in September 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.

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

The Ombudsman's previous assessment recommended that priority be given to resolving Mr X's immigration status.

On 29 November 2017 the Minister advised that the department is supporting the Government of Papua New Guinea to finalise the Refugee Status Determination of Mr X while he remains temporarily in Australia for medical treatment.

Mr X's return to an RPC is likely to be protracted due to his ongoing mental and physical health concerns.

IHMS has advised that Mr X continued to receive treatment for complex mental health concerns related to his immigration detention.

It appears likely that Mr X will remain in detention for a prolonged and uncertain period while he receives medical treatment, posing a serious risk to his mental and physical health.