

## 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 remained in immigration detention for a cumulative period of more than 42 months (three and a half years). The previous assessment 1002265-01 was tabled in Parliament on 21 June 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>	1992
<b>Ombudsman ID</b>	1002265-02
<b>Date of DIBP's report</b>	13 June 2017
<b>Total days in detention</b>	1,276 (at date of DIBP's report)

### Recent detention history

Mr X remained in an immigration detention facility.	
8 June 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 it is exploring options to resolve Mr X's immigration status.	
1 June 2017	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to grant Mr X a community placement.

### Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and was referred for specialist counselling. He was prescribed with antidepressant medication after reporting that he was experiencing symptoms of insomnia, nightmares, rumination about past trauma, and anxiety related to situational stress.</p> <p>IHMS further advised that Mr X continued to receive treatment for hepatitis B and was scheduled to attend an appointment at a liver clinic in June 2017.</p>
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<sup>1</sup> Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

### **Ombudsman assessment/recommendation**

Mr X was detained on 6 December 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 three and a half years with no processing of his protection claims.

Mr X was transferred to a Regional Processing Centre and returned to Australia. On 13 June 2017 the department advised that it is exploring options to resolve Mr X's immigration status.

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

The Ombudsman's previous assessment (1002265-O1) recommended that Mr X be referred to the Minister for consideration of a community placement and that the resolution of his immigration status be expedited.

On 21 June 2017 the Minister advised that he had intervened under s 197AB to grant Mr X a community placement and the department continues to identify options to resolve his immigration status.

The Ombudsman notes the advice from IHMS that Mr X was diagnosed with hepatitis B and requires ongoing treatment.

Noting that there is currently no clear processing pathway for Mr X, the Ombudsman recommends that the department make arrangements for the processing of Mr X's protection claims.