

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1983
Ombudsman ID	1002675-O
Date of DIBP's report	4 June 2017
Total days in detention	730 (at date of DIBP's report)

Detention history

13 September 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea.
3 October 2013	Transferred to Manus Island Regional Processing Centre (RPC) and on 5 June 2015 returned to Australia and re-detained under s 189(1).
23 June 2017	The Department of Immigration and Border Protection (the department) advised that Mr X had been placed in the community. ¹
28 August 2017	Granted a Final Departure Bridging visa and released from immigration detention.

Visa applications/case progression

<p>Mr X arrived in Australia by sea after 19 July 2013 and was transferred to an RPC. The department has advised that Mr X is barred under ss 46A and 46B from lodging a valid protection visa application in Australia as a result of his method of arrival and transfer to an RPC.</p> <p>Mr X was returned to Australia from an RPC for medical treatment on 5 June 2015.</p> <p>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 an RPC on completion of his treatment.</p>	
12 May 2017	The Minister intervened under s 197AB to grant Mr X a community placement.

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 following orthopaedic review in March 2015 Mr X was diagnosed with stenosis and bulging discs in his back. In July 2015 he was advised that surgery would not be required and physiotherapy and possible joint injections were recommended. IHMS further advised that Mr X sustained an eye injury following a sporting accident in April 2016. He was taken to hospital and observed overnight. Following his discharge he was prescribed with eye drops and reviewed on multiple occasions.

IHMS reported that Mr X engaged with specialist counselling and the mental health team for the management of situational depression and a history of torture and trauma. Mr X advised that he was experiencing sleeping difficulties, a loss of appetite, low energy and a loss of interest and enjoyment. He attributed these symptoms to his ongoing back pain and was prescribed with medication.

10 December 2015 and 18 March 2016	Incident Reports recorded that Mr X threatened self-harm on two occasions.
8 April 2016	An Incident Report recorded that Mr X was transferred to hospital for an eye injury.

Case status

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