

**ASSESSMENT (ABRIDGED) 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	1979
Ombudsman ID	2000006-O
Date of DIBP's report	16 June 2017
Total days in detention	730 (at date of DIBP's report)

Detention history

18 December 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea.
23 December 2013 – 21 June 2015	Transferred to Nauru Regional Processing Centre (RPC) and subsequently returned to Australia and re-detained under s 189(1).
24 August 2017	The Department of Immigration and Border Protection (the department) advised that he 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 21 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>	
16 June 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 Mr X was returned to Australia for specialist treatment of facial fractures and nerve injuries that he sustained following an assault. In July 2015 he underwent investigative testing after presenting with abdominal and chest pain which found that he had a mild liver dysfunction. He was monitored by a general practitioner (GP) for this condition as well as for back pain, high cholesterol and epigastric pain.

IHMS further advised that Mr X attended psychological counselling and was prescribed with medication for the management of a history of torture and trauma and an acute stress disorder related to the assault. He continued to be monitored by a GP and regularly engaged with the mental health team for ongoing support.

Case status

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