

## 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 Mr X who remained in immigration detention for a cumulative period of more than 42 months (three and a half years). The previous assessment 1002324-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1988
<b>Ombudsman ID</b>	1002324-O1
<b>Date of DIBP's reports</b>	20 February 2017 <sup>1</sup> and 13 June 2017
<b>Total days in detention</b>	1,276 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous assessment (1002324-O), Mr X remained at Yongah Hill Immigration Detention Centre (IDC).	
23 June 2017	The Department of Immigration and Border Protection (the department) advised that Mr X had been transferred to community detention.
28 August 2017	Granted a Final Departure Bridging visa and released from community detention.

### Recent visa applications/case progression

The department has advised that it is exploring options to resolve Mr X's immigration status.	
13 October 2016	Mr X's case was submitted to the Minister for a possible residence determination under s 197AB.
24 November 2016	Mr X's submission was returned to the department pending a potential solution arising from negotiations with the government of Nauru.
1 June 2017	The Minister intervened under s 197AB to allow Mr X to reside in community detention.

---

<sup>1</sup> The department advised that it did not meet its statutory obligations under s 486N in relation to Mr X's 36-month review due to system technical difficulties. The department further advised that manual adjustments were made in calculating Mr X's cumulative days in detention to prevent any recurrence of this issue.

## Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to be monitored by a general practitioner for the management of hepatitis B. He was referred for specialist review in November 2016 and at the time of IHMS's latest report an appointment remained pending.

IHMS further advised that Mr X had a history of anxiety and an adjustment disorder with depressed mood. During a mental health appointment in January 2017 Mr X stated that he wanted to cease taking his prescribed anti-depressant medication. IHMS advised that he appeared flat and reported concerns about being separated from his family during the consult, but had not engaged any further with IHMS.

## Information provided by Mr X

During an interview with Ombudsman staff at Yongah Hill IDC on 22 May 2017 Mr X advised that he continued to feel concerned about his hepatitis B diagnosis and his management plan. He stated that he did not think he received appropriate treatment and was only provided with painkillers and sleeping pills which he preferred not to take due to negative side effects.

Mr X expressed concern about his continued separation from his family who are overseas and stated that his mental health was affected by his inability to sleep properly. He stated that he liked having contact with people outside of the detention facility and that he just wanted to be in the community.

## Ombudsman assessment/recommendation

Mr X was detained on 6 December 2013 after arriving in Australia by sea and remained in detention 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. 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 (1002324-O) recommended that priority be given to exploring options to enable the resolution of Mr X's immigration status. The Ombudsman further recommended that Mr X be considered for a community detention placement, and that he be provided with additional advice regarding the ongoing management of his hepatitis B diagnosis.

On 1 March 2017 the Minister advised that the department continues to identify options to manage Mr X's immigration status. The Minister further advised that the department had requested that IHMS provide additional advice to Mr X on the management of his medical condition and that Mr X's placement was considered appropriate at that time.

On 21 June 2017 IHMS confirmed that Mr X continued to receive information regarding his medication condition in accordance with his care plan.

The Ombudsman notes that the department has advised that it is exploring options to resolve Mr X's immigration status. The Ombudsman recommends that the department make arrangements for the processing of Mr X's protection claims.