

## ASSESSMENT (ABRIDGED) 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 1002268-O was tabled in Parliament on 20 October 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

<b>Name</b>	Mr X
<b>Citizenship</b>	Stateless, born in Country A
<b>Year of birth</b>	1988
<b>Ombudsman ID</b>	1002268-O1
<b>Date of DIBP's reports</b>	17 December 2016 and 18 June 2017
<b>Total days in detention</b>	1,276 (at date of DIBP's latest report)

### Recent detention history

Mr X remained in an immigration detention facility. <sup>1</sup>	
24 August 2017	The Department of Immigration and Border Protection (the department) advised that Mr X had been granted a community placement. <sup>2</sup>
28 August 2017	Granted a Final Departure Bridging visa and released from immigration detention.

### Recent visa applications/case progression

The department has advised that it is exploring options to resolve Mr X's immigration status.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for multiple physical health concerns, including chronic hepatitis C and scarring from leg injuries he sustained during his boat journey to Australia. In January 2017 he was reviewed by a dermatologist and an infectious disease specialist for his leg wound with no abnormalities identified. He underwent pathology testing for his hepatitis C and was awaiting a gastroenterology and hepatology appointment at the time of IHMS's latest report.

IHMS further advised that Mr X presented with frustration and situational stress regarding his prolonged detention and ongoing health issues.

<sup>1</sup> The department advised that it had incorrectly reported in previous reports to the Ombudsman's office that Mr X had been transferred to Manus Island Regional Processing Centre (RPC) on 10 December 2013 following his arrival in Australia. The department advised that he had instead been transferred to Nauru RPC and had never been transferred to Manus Island RPC.

<sup>2</sup> Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

### **Information provided by Mr X**

During an interview with Ombudsman staff at Yongah Hill Immigration Detention Centre on 23 May 2017 Mr X advised that he came to Australia to escape torture in his home country. He stated that because he is stateless he does not belong to a country in which he is safe and he believes if he returns home he will be killed.

He advised that he was returned to Australia for medical treatment for hepatitis C, but he had still not received any treatment. He stated that he had been waiting for over three and a half years since being diagnosed with hepatitis C. When he asked his doctor about this five months ago, the doctor advised that he required treatment but the department was unable to provide it.

He advised that his wife and young children who remain in Country A are suffering and he is always thinking about them. He stated that his son is sick but his family have no money for treatment. He stated that since he cannot do anything to help his family he is suffering mentally and cannot sleep. He stated that he feels hopeless and sometimes thinks about killing himself.

He advised that his case manager had told him seven months ago that he would be transferred into community detention. He did not understand why he remained in an immigration detention facility since he had no behavioural problems but understood that the decision rests with the Minister.

### **Ombudsman assessment/recommendation**

Mr X was detained on 5 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 an RPC 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 (1002268-O) recommended that the department expedite the resolution of Mr X's immigration status.

On 20 October 2016 the Minister advised that the department continues to identify options to manage Mr X's immigration status.

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.