

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 36 months (three years). The previous assessment 1002414-O was tabled in Parliament on 14 June 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Stateless, born in Country A
Year of birth	1975
Ombudsman ID	1002414-O1
Date of DIBP's report	24 May 2017
Total days in detention	1,094 (at date of DIBP's report)

Recent detention history

Mr X remained in an immigration detention facility.	
21 April 2017	Placed in the community. ¹
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 under current policy settings Mr X is not eligible to have his protection claims assessed in Australia and remains liable for transfer back to a Regional Processing Centre (RPC) on completion of his treatment.	
10 April 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 continued to receive treatment for dental issues and knee pain. He underwent an x-ray and a magnetic resonance imaging (MRI) scan for his knee concern and was advised that the MRI showed changes that were non-operable. His medications were adjusted and he continued to be monitored by a general practitioner (GP).</p> <p>IHMS further advised that Mr X continued to be monitored for a history of torture and trauma and severe major depression. He was voluntarily admitted to hospital in November 2016 for review, monitoring and management and was diagnosed with a major depressive disorder and prescribed with medication. Following discharge a GP recommended that Mr X regularly engage with his support networks to benefit his mental health. In January 2017 Mr X was assessed by a GP as having a normal mood with no psychosis and being cognitively intact and of sound judgement. Following review, a psychiatrist noted that a quick resolution of Mr X's immigration status would be beneficial for his mental health and would prevent a recurrence of his depressive symptoms.</p>	
28 November 2016 - 21 December 2016	Admitted to a psychiatric hospital.

¹ 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 26 July 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 years.

Mr X was transferred to an RPC and returned to Australia for medical treatment. The department advised that because Mr X arrived after 19 July 2013 he remains liable for transfer back to an RPC on completion of his treatment.

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

The Ombudsman's previous assessment recommended Mr X be referred to the Minister for consideration of a community detention placement and that priority be given to resolving his immigration status while noting ongoing mental health concerns.

On 14 June 2017 the Minister noted the recommendation and advised that Mr X had been granted a community placement under s 197AB and that under current legislation and policy settings, Mr X remains subject to return to an RPC on completion of his treatment.

The Ombudsman notes with concern Mr X's history of ongoing mental health issues and his admittance to hospital in November 2016 for the management of a major depressive disorder.

In light of these concerns, the Ombudsman recommends that the department explore options to provide further access to support and medical services while Mr X remains in the community on a Final Departure Bridging visa to better manage his ongoing health issues.