

## 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 1002475-O was tabled in Parliament on 6 September 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, born in Country B
<b>Year of birth</b>	1971
<b>Ombudsman ID</b>	1002475-O1
<b>Date of DIBP's report</b>	22 August 2017
<b>Total days in detention</b>	1,094 (at date of DIBP's report)

### Recent detention history

Mr X continued to be placed in the community. <sup>1</sup>	
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.	
22 August 2017	The department advised that it is supporting the government of Papua New Guinea to finalise the Refugee Status Determination of Mr X while he remains temporarily in Australia for medical treatment.

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<sup>1</sup> Mr X was granted a placement in the community under s 197AB of the *Migration Act 1958* and remained in immigration detention.

## Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to engage with specialist counselling, a general practitioner and further psychological support for the management of a history of torture and trauma, post-traumatic stress disorder, depression and anxiety. Following his placement in the community a psychologist noted that although regular contact with his family had provided Mr X with some improvement in his mental health, he continued to experience severe anxiety in relation to his immigration status, his future and the wellbeing of his family. A psychologist advised that Mr X's mental health would likely deteriorate without a resolution of his protection status and reunification with his immediate family. Following psychological review in April 2017 Mr X reported an improvement in his depressive symptoms. He was provided with psychoeducation regarding his mental health diagnosis and coping strategies and was prescribed with medication. Mr X reported that he was implementing coping strategies and that helping his family was improving his self-esteem.

IHMS further advised that Mr X received treatment for multiple complex physical health concerns including heart concerns, chest pain, back pain, urological issues and lung concerns. He underwent physiotherapy and chiropractic sessions for the management of his back pain and Mr X advised that he was reconsidering surgical intervention. He was referred for specialist review and an appointment was pending at the time of IHMS's report. Mr X also underwent testing for his heart and chest concerns with a cardiology appointment scheduled for July 2017.

## Ombudsman assessment/recommendation

Mr X was detained on 4 August 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.

The department further advised that it is supporting the government of Papua New Guinea to finalise the Refugee Status Determination of Mr X while he remains temporarily in Australia for medical 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 that priority be given to resolving Mr X's immigration status while noting ongoing mental health concerns.

On 6 September 2017 the Minister noted the recommendation and advised that the department is supporting the government of Papua New Guinea to finalise Mr X's refugee status determination while he remains in Australia.

The Ombudsman notes Mr X's ongoing and complex physical and mental health issues and that he potentially requires surgical intervention for his back concerns.

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 concerns.