

## 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 has remained in immigration detention for a cumulative period of more than 42 months (three and a half years). The previous assessment 1002270-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>	1987
<b>Ombudsman ID</b>	1002270-O1
<b>Date of DIBP's reviews</b>	19 December 2016 and 19 June 2017
<b>Total days in detention</b>	1,277 (at date of DIBP's latest review)

### Recent detention history

Since the Ombudsman's previous assessment (1002270-O), Mr X remained at Yongah Hill Immigration Detention Centre.	
2 February 2017	Transferred to Melbourne Immigration Transit Accommodation.
6 June 2017	Transferred to community detention.

### Recent visa applications/case progression

The Department of Immigration and Border Protection (the department) advised that it continues to explore options to resolve Mr X's immigration status.	
1 June 2017	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to allow Mr X to reside in community detention.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X underwent a successful 24-week medication treatment plan for chronic hepatitis C and was advised that he was cleared of the virus. He continued to require regular testing for the surveillance of his condition.  IHMS further advised that Mr X attended counselling for low mood, sleeping difficulties and frustration associated with his prolonged detention. It was recommended that he attend follow-up appointments as required.	
--	--

### Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but was unable to attend due to his transfer to community detention.	
---	--

### **Ombudsman assessment/recommendation**

Mr X was detained on 6 December 2013 after arriving in Australia by sea and has been held 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 for medical treatment. On 19 June 2017 the department advised that it continues to explore options to resolve Mr X's immigration status.

The Ombudsman's previous assessment (1002270-O) recommended that priority be given to exploring options to enable 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.

The Ombudsman notes with concern the government's duty of care to detainees and the serious risk to mental and physical health prolonged and apparently indefinite detention may pose.

The Ombudsman notes that without an assessment of Mr X's claims it appears likely he will remain in detention indefinitely.

The Ombudsman recommends that the department expedite the resolution of Mr X's immigration status.