

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 first assessment 1002271-O was tabled in Parliament on 20 October 2016. 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	1994
Ombudsman ID	1002271-O1
Date of DIBP's reports	18 December 2016 and 18 June 2017
Total days in detention	1,276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous assessment (1002271-O), Mr X remained at Yongah Hill Immigration Detention Centre.	
14 June 2017	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 of Immigration and Border Protection (the department) has advised that it is exploring 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

<p>International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment for the management of chronic hepatitis C and was referred for specialist review in June 2016 with an appointment pending. He also attended physiotherapy for pain associated with an ankle injury sustained while playing soccer.</p> <p>IHMS further advised that Mr X attended supportive sessions with the mental health team for the management of detention fatigue and stress associated with uncertainty regarding his future. IHMS advised that Mr X did not regularly engage in counselling, as per his wishes, however, he was aware of how to self-refer when needed.</p>	
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Information provided by Mr X

Mr X was offered the opportunity to discuss his detention circumstances with Ombudsman staff but did not attend the scheduled interview.
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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 was 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 community detention.

The Ombudsman's previous assessment (1002271-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 noted the recommendation and advised that the department continues to identify options to manage Mr X's immigration status.

The Ombudsman notes the advice from IHMS that Mr X has a medical condition that requires ongoing treatment.

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.