

## 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 36 months (three years). The previous assessment 1002421-O was tabled in Parliament on 14 June 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
<b>Year of birth</b>	1984
<b>Ombudsman ID</b>	1002421-O1
<b>Date of DIBP's report</b>	31 May 2017
<b>Total days in detention</b>	1,094 (at date of DIBP's report)

### Recent detention history

Mr X had remained in an immigration detention facility.	
6 April 2017	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.	
31 March 2017	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to grant Mr X a community placement.
31 May 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.

### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received specialist treatment for his diagnosis of bipolar affective disorder with psychotic features. Since June 2016 he has been admitted to a psychiatric hospital on several occasions following psychotic episodes and signs of relapse due to non-compliance with his medication. In March 2017 he was reviewed by a psychiatrist who reported that Mr X's understanding of his mental illness is limited. The treating psychiatrist further advised that Mr X had relapsed five times over the last three years and remained at high risk of relapse due to possible non-compliance with his medication.	
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<sup>1</sup> 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 25 July 2013 after arriving in Australia by sea and remained in 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 (1002421-O) recommended that Mr X's case be referred to the Minister for consideration of a community placement and priority be given to resolving Mr X's immigration status.

On 14 June 2017 the Minister advised that Mr X had since been granted a community placement and 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 advice from IHMS that Mr X suffers from a psychotic illness that requires ongoing specialist treatment and monitoring. The Ombudsman further notes with serious concern advice from a psychiatrist that Mr X remains at high risk of relapse due to possible non-compliance with his medication.

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 for better management of his ongoing mental health concerns.