

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the sixth s 486O assessment on Mr X who remained in immigration detention for more than 84 months (seven years). The previous assessment 1000653-O was tabled in Parliament on 18 October 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1000653-O1
Date of department's report	2 October 2017
Total days in detention	2,550 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr X continued to be placed in the community in Victoria. ¹	
19 December 2017	Granted a Temporary Protection visa (TPV) and released from immigration detention.

Recent visa applications/case progression

26 July 2017	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Mr X to lodge a temporary visa application.
23 August 2017	Lodged a TPV application.
19 December 2017	Granted a TPV.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment for schizophrenia and an adjustment disorder in accordance with a Community Treatment Order. In May 2017 a treating psychiatrist reported that Mr X presented with symptoms of psychosis and this was likely related to his history of substance abuse. The psychiatrist advised that Mr X would benefit from being placed in community accommodation closer to his family friend, who resides in Queensland, as he would have increased social support.

In June 2017 Mr X disclosed that he was frequently non-compliant with prescribed medication and a psychiatrist noted that he was at high risk of decompensating due to his erratic medication compliance. A general practitioner and psychiatrist reported that Mr X had stated that he wished to return to Country A, however the psychiatrist advised that he did not have the capacity to make decisions regarding his immigration status. IHMS advised that Mr X's condition and compliance with medication was closely monitored.

IHMS further advised that Mr X received treatment for asthma and a blood disorder.

¹ Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

Case status

Mr X was detained on 9 October 2010 after arriving in Australia by sea and remained in immigration detention, both in a detention facility and the community, for more than seven years.

The Ombudsman's previous assessment recommended that Mr X's case be referred to the Minister under s 197AD for consideration of an alternative community placement in light of his mental health concerns and support network in Queensland.

On 18 October 2017 the Minister advised that Mr X's placement was under review and the Department of Home Affairs was seeking input from the relevant stakeholders, including health professionals, before considering Mr X's case under s 197AD for a variation to his current community placement.

Mr X was granted a TPV on 19 December 2017 and released from immigration detention.