

## 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 1002446-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>	1987
<b>Ombudsman ID</b>	1002446-O1
<b>Date of DIBP's report</b>	11 July 2017
<b>Total days in detention</b>	1,094 (at date of DIBP's report)

### Recent detention history

Mr X had 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.	
11 July 2017	The department advised that it is supporting the government of Nauru to finalise the Refugee Status Determination of Mr X while he remains temporarily in Australia for medical treatment.

### Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X attended specialist counselling and was prescribed with medication for the management of major depression, post-traumatic stress disorder, symptoms of psychosis, and a history of torture and trauma. In November 2016 it was recommended that Mr X attend ongoing counselling due to his experiences of severe trauma in his home country and while in detention at Nauru RPC. He was reviewed by a psychiatrist in February 2017 and improvements in his psychosis symptoms were noted. He continued to be monitored by a general practitioner (GP), psychologist and psychiatrist.</p> <p>IHMS further advised that Mr X received treatment for multiple physical health concerns, including type 2 diabetes, high cholesterol and a sleep disorder. He was prescribed with medication and referred to a dietician, podiatrist and exercise physiotherapist for the management of his diabetes. He attended an optometry review in February 2017 and no abnormalities were identified. His condition continued to be monitored by a GP.</p>	
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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 21 October 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 Nauru 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.

On 14 June 2017 the Minister advised that 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 that Mr X was diagnosed with significant mental health issues and required ongoing monitoring and specialist treatment.

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 issues and his capacity to support himself.