

## 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 30 months (two and a half years). The previous assessment 1002523-O was tabled in Parliament on 1 March 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>	1990
<b>Ombudsman ID</b>	1002523-O1
<b>Date of DIBP's report</b>	10 April 2017
<b>Total days in detention</b>	912 (at date of DIBP's report)

### Recent detention history

Mr X had remained in an immigration detention facility.	
24 August 2017	The Department of Immigration and Border Protection (the department) advised that Mr X had been granted a community placement. <sup>1</sup>
28 August 2017	Granted a Final Departure Bridging visa and released from immigration detention.

### Recent visa applications/case progression

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.
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### Health and welfare

International Health and Medical Services (IHMS) advised that Mr X continued to be treated for neck and arm pain related to his diagnosis of a hemicord compression. He attended physiotherapy sessions and noted an improvement in his pain with an appointment for specialist review pending at the time of IHMS's report.	
IHMS further advised that Mr X engaged with the mental health team for the management of severe depression and post-traumatic stress disorder. He was admitted to a psychiatric hospital with depression and a high risk of suicide following an incident of self-harm. Following his discharge he continued to be supported by the mental health team.	
3 November 2016 – 11 February 2017	Incident Reports recorded that Mr X was admitted to hospital on multiple occasions.
9 December 2016	An Incident Report recorded that Mr X self-harmed. He was admitted to hospital and discharged following clinical review.

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

20 December 2016 -  
6 January 2017

Mr X was admitted to a psychiatric hospital.

### **Information provided by Mr X**

During an interview with Ombudsman staff on 22 May 2017 Mr X advised that he had not been allowed to go on excursions outside the immigration detention facility and had been told that this was because he was considered high risk. He recently was permitted to attend an excursion, but he was simply driven around in a car. He explained that he did not understand why he was considered to be high risk.

Mr X advised that he had previously been incorrectly informed that he may have HIV or hepatitis and after hearing this news he had self-harmed. He stated that he then spent a month in hospital for his mental health, and following this admittance he often felt forgetful. He advised that he engaged with the mental health team and found them to be helpful however stated that he did not want to see them too often as he wanted to try to live a more regular life without their assistance.

Mr X reported that he was aware of the immigration deal with the United States of America and had an interview scheduled with Papua New Guinea for possible consideration if he was found to be owed protection.

Mr X advised that he found the immigration detention facility that he was placed at to be satisfactory and that he attended some of the programs and activities. He stated that he had been able to get in contact with his mother with the assistance of the Red Cross, however did not speak to her frequently as there had been little change in his circumstances. He also had some friends in Melbourne who sometimes visited him.

### **Ombudsman assessment/recommendation**

Mr X was detained on 25 July 2013 after arriving in Australia by sea and remained in detention for a cumulative period of more than two and a half 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.

Mr X was granted a Final Departure Bridging visa on 28 August 2017 and was released from immigration detention.

The Ombudsman's previous assessment (1002523-O) recommended that priority be given to resolving Mr X's immigration status.

On 1 March 2017 the Minister noted the recommendation and 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 Mr X's diagnosis of a spinal injury and his subsequent need for specialist assistance. The Ombudsman further notes that Mr X has significant mental health concerns, and required admission to a psychiatric hospital in December 2016.

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 health concerns.