

# 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 Ms X who has remained in immigration detention for a cumulative period of more than 36 months (three years). The previous assessment 1002537-O was tabled in Parliament on 13 September 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

<b>Name</b>	Ms X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1989
<b>Ombudsman ID</b>	1002537-O1
<b>Date of department's report</b>	25 October 2017
<b>Total days in detention</b>	1,094 (at date of department's report)

## Recent detention history

Since the Ombudsman's previous assessment, Ms X has continued to be placed in the community.<sup>1</sup>

## Recent visa applications/case progression

The Department of Home Affairs (the department) has advised that under current policy settings Ms X is not eligible to have her protection claims assessed in Australia and remains liable for transfer back to a Regional Processing Centre (RPC) on completion of her treatment.

25 October 2017	The department advised that it is supporting the government of Nauru to finalise the Refugee Status Determination of Ms X while she remains temporarily in Australia for medical treatment.
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## Health and welfare

International Health and Medical Services (IHMS) advised that Ms X received treatment for multiple complex mental health concerns, including a history of torture and trauma, an adjustment disorder and a mixed anxiety and depressive disorder. She attended specialist counselling and reported experiencing sleeping difficulties, nightmares, lack of trust and fear. A treating counsellor recommended that Ms X attend ongoing counselling due to her persistent distress and the uncertainty of her immigration status. She continued to be compliant with her prescribed medication and was monitored by a general practitioner.

IHMS further advised that Ms X continued to be prescribed with medication for headaches and attend physiotherapy for the management of back and musculoskeletal pain as required.

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<sup>1</sup> Ms X was granted a placement in the community under s 197AB of the *Migration Act 1958* and remains in immigration detention.

## Ombudsman assessment

Ms X was detained on 11 November 2013 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than three years.

Ms X was transferred to an RPC and returned to Australia for medical treatment. The department advised that because Ms X arrived after 19 July 2013 she remains liable for transfer back to an RPC on completion of her treatment.

The Ombudsman's previous assessment recommended that priority be given to resolving Ms X's immigration status.

On 13 September 2017 the Minister advised that the department is supporting the government of Nauru to finalise Ms X's Refugee Status Determination while she remains in Australia.

Ms X's return to an RPC is likely to be protracted due to her ongoing mental and physical health concerns.

IHMS has advised that Ms X received treatment for multiple complex mental health concerns and a specialist counsellor recommended that she attend ongoing supportive counselling due to her persistent distress and the uncertainty of her immigration status.

It appears likely that Ms X will remain in detention for a prolonged and uncertain period while she receives medical treatment, posing a serious risk to her mental health.