

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABELING 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 three years. The previous assessment 1002545-O was tabled in Parliament on 13 September 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Ms X
Citizenship	Country A
Year of birth	1958
Ombudsman ID	1002545-O1
Date of department's report	15 November 2017
Total days in detention	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.¹

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.

November 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 continued to receive treatment for multiple physical health concerns. She was prescribed with medication and provided with education on exercises to help manage her pain and other symptoms.

IHMS further advised that Ms X continued to be monitored by a general practitioner for mental health concerns related to situational stress and separation from her family. She was prescribed with medication and referred for psychological counselling.

September 2017	IHMS reported that Ms X was admitted to hospital for treatment of a medical condition.
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Other matters

Ms X continues to be placed in the community with her son, Mr Y, who is the subject of Ombudsman assessment 1002502-O1.

¹ 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 in August 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 the Refugee Status Determination of Ms X 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.

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 and physical health.