

ASSESSMENT (ABRIDGED) 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 42 months (three and a half years). The previous assessment 1002264-O was tabled in Parliament on 23 November 2016. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Stateless, born in Country A
Year of birth	1995
Ombudsman ID	1002264-O1
Date of DIBP's reviews	12 December 2016 and 12 June 2017
Total days in detention	1,276 (at date of DIBP's latest review)

Recent detention history

24 August 2017	The Department of Immigration and Border Protection (the department) advised that Mr X had been placed in the community. ¹
28 August 2017	Granted a Final Departure Bridging visa and released from immigration detention.

Recent visa applications/case progression

The department has advised that it is exploring options to resolve Mr X's immigration status.	
13 June 2017	Mr X's case was referred to the Minister for consideration under s 197AB of the <i>Migration Act 1958</i> for a community detention placement.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X received treatment for hepatitis B, epigastric concerns and abdominal pain. His condition continued to be monitored by a general practitioner with regular pathology testing.
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¹ Mr X was granted a placement in the community under s 197AB and remained in immigration detention.

Information provided by Mr X

During an interview with Ombudsman staff at Facility A on 23 May 2017 Mr X advised that he is fleeing from religious persecution in his home country. As a transferee from a regional processing centre (RPC) with a communicable disease, he stated he was confused about his future and hoped to be transferred into the community.

He explained that he has spoken with his case manager four times over the telephone in the past year. Mr X asked his case manager why nothing has been done to progress his case despite being in detention for more than four years, including time spent at Nauru RPC, and was told that he must wait.

He is uncertain and confused about his health condition and stated that he had been told that there was no treatment for his diagnosis of hepatitis B. He found IHMS to be of some help, but after spending over four years in detention he stated he no longer knows what is going on around him.

Mr X advised that he did not feel like participating in activities because his friends were all released from detention. He does not have any visitors and communicates with his family in Country A two or three times a month.

Ombudsman assessment/recommendation

Mr X was detained on 6 December 2013 after arriving in Australia by sea and remained in detention for a cumulative period of more than three and a half years with no processing of his protection claims.

Mr X was transferred to an RPC and returned to Australia. The department advised that it is exploring options to resolve Mr X's immigration status.

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

The Ombudsman's previous assessment (1002264-O) recommended that the department expedite the resolution of Mr X's immigration status.

On 23 November 2016 the Minister advised that the department continues to identify options to manage Mr X's immigration status.

Noting that there is currently no clear processing pathway for Mr X, the Ombudsman recommends that the department make arrangements for the processing of Mr X's protection claims.