

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fifth s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than five and a half years. The previous assessment 1000037-O was tabled in Parliament on 21 June 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1981
<b>Ombudsman ID</b>	1000037-O1
<b>Date of department's report</b>	9 August 2017
<b>Total days in detention</b>	2,004 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, Mr X remained at Facility B.	
October 2017	Granted a bridging visa and released from immigration detention.

### Recent visa applications/case progression

July 2017	Mr X's case was referred on a ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.
August 2017	The Department of Home Affairs (the department) advised that it was reviewing its policy for the assessment of cases, like Mr X's, where previous protection assessments have been made administratively.
October 2017	Granted a bridging visa.
April 2018	<p>The department advised that it was preparing a ministerial submission for referral to the Minister to consider exercising his non-compellable power under s 46A to lift the bar to allow Mr X and other such cases to lodge a temporary visa application.</p> <p>The department further advised that if the Minister declines to intervene, a further administrative assessment of Mr X's case and other such cases would be conducted in accordance with current policy.</p>

### Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X was referred for review for pain relating to a pre-existing medical condition. An appointment was pending at the time of IHMS's report.</p> <p>IHMS further advised that Mr X engaged with the mental health team for the management of mental health concerns. A mental health nurse noted that Mr X demonstrated symptoms relating to his mental health concerns and continued to take his prescribed medication.</p>
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### **Information provided by Mr X**

During an interview with Ombudsman staff in May 2017 Mr X advised that he had previously resided in the community on a bridging visa. He stated that he had been returned to immigration detention after his protection claims were rejected. He stated that he had put in a request to be transferred back to City C where he had a lot of friends, but it had been nine months since his request and he had not been transferred.

Mr X advised that he regularly received mental health treatment with IHMS but he believed that his mental health was deteriorating. Mr X stated that he had undergone surgery while in the community and though there had been some improvement he continued to experience concerns.

### **Case status**

Mr X was detained in December 2009 after arriving in Australia by sea and remained in an immigration detention facility for a cumulative period of more than five and a half years.

The Ombudsman's previous assessment recommended that consideration for the grant of a bridging visa be expedited and that Mr X be considered for the grant of a community placement.

On 21 June 2017 the Minister advised that the department had referred a submission for his consideration under s 195A for the grant of a bridging visa.

Mr X was granted a bridging visa in October 2017 and released from immigration detention.