

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 has remained in immigration detention for a cumulative period of more than three years. The previous assessment 1002554-O was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Mr X
Citizenship	Country A
Year of birth	1985
Ombudsman ID	1002554-01
Date of department's report	11 December 2017
Total days in detention	1,095 (at date of department's report)

Recent detention history

Since the Ombudsman's previous assessment, Mr 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 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.

11 December 2017	The department advised that it is supporting the Government of Papua New Guinea to finalise the Refugee Status Determination of Mr X while he remains temporarily in Australia for medical treatment.
------------------	---

Health and welfare

International Health and Medical Services advised that Mr X received treatment for a complex medical condition with associated concerns. In June 2017 Mr X presented to an emergency department with complications and was referred for further review. He attended a follow-up review and the specialist advised against Mr X being transferred to a remote location, such as Manus island, due to his increased medical needs.

¹ Mr X was granted a placement in the community under s 197AB of the *Migration Act 1958* and remains in immigration detention.

Ombudsman assessment

Mr X was detained in July 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.

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.

The Ombudsman's previous assessment recommended that priority be given to resolving Mr X's immigration status while noting ongoing mental health concerns.

On 29 November 2017 the Minister advised that the department is supporting the Government of Papua New Guinea to finalise Mr X's Refugee Status Determination while he remains in Australia.

Mr X's return to an RPC is likely to be protracted due to his ongoing physical health concerns.

IHMS has advised that Mr X continued to receive treatment for complex medical concerns and a specialist recommended against Mr X being transferred to an RPC due to his increased medical needs.

It appears likely that Mr X will remain in detention for a prolonged and uncertain period while he receives medical treatment.