

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who remained in immigration detention for a cumulative period of more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1988
Ombudsman ID	1002602-O
Date of DIBP's reports	16 February 2017 and 17 August 2017
Total days in detention	912 (at date of DIBP's latest report)

Detention history

30 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia by sea. He was transferred to an Alternative Place of Detention (APOD), Christmas Island.
4 August 2013 – 5 August 2013	Transferred three times between Christmas Island APOD and Christmas Island Immigration Detention Centre (IDC).
22 August 2013	Transferred to Manus Island Regional Processing Centre (RPC). ¹
13 March 2015	Returned to Australia and re-detained under s 189(1). He was transferred to Wickham Point APOD.
14 March 2015 – 10 April 2016	Transferred three times between Wickham Point APOD and Brisbane Immigration Transit Accommodation.
13 July 2016	Transferred to community detention.
28 August 2017	Granted a Final Departure Bridging visa and released from community detention.

Visa applications/case progression

<p>Mr X arrived in Australia by sea after 19 July 2013 and was transferred to an RPC. The Department of Immigration and Border Protection (the department) has advised that Mr X is barred under ss 46A and 46B from lodging a valid protection visa application in Australia as a result of his method of arrival and transfer to an RPC.</p> <p>Mr X was returned to Australia from an RPC for medical treatment on 13 March 2015.</p> <p>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 an RPC on completion of his treatment.</p>	
23 June 2016	The Minister intervened under s 197AB to allow Mr X to reside in community detention.

¹ Time spent at an RPC is not counted towards time spent in immigration detention in Australia for the purposes of reporting under s 486N.

17 August 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.
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Health and welfare

<p>International Health and Medical Services (IHMS) advised that Mr X received treatment for complex mental health concerns of varying diagnoses. Beginning in 2015, he was admitted to hospital on five occasions for psychiatric assessment and management and was intermittently placed under Supportive Monitoring and Engagement observations. IHMS reported that the most recent mental health review in March 2017 diagnosed Mr X with complex post-traumatic stress disorder, with other possible conditions being schizophrenia or psychotic depression. Mr X reported that he started to experience hallucinations following an incident of assault at Manus Island RPC and in February 2017 reported symptoms of panic attacks, bed-wetting and poor concentration. In April 2017, he presented to hospital after intentionally overdosing on medication. Mr X reported that he had experienced both auditory and visual hallucinations which urged him to harm himself. IHMS advised that Mr X continued to be reviewed by a psychiatrist and a counsellor, however it was recommended that Mr X be moved closer to his social supports and church to reduce his isolation.</p> <p>IHMS further advised that Mr X received treatment for the management of epilepsy. He was prescribed with medication and continued to be monitored by a general practitioner. Mr X was also diagnosed with an inherited blood disorder in April 2016.</p>	
8 January 2016 and 7 April 2017	Incident Reports recorded that Mr X self-harmed on two occasions.

Ombudsman assessment/recommendation

<p>Mr X was detained on 30 July 2013 after arriving in Australia by sea and remained in detention for a cumulative period of more than two and a half years.</p> <p>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.</p> <p>The department further 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.</p> <p>Mr X was granted a Final Departure Bridging visa on 28 August 2017 and was released from community detention.</p> <p>The Ombudsman notes with concern Mr X’s significant mental health concerns and his need for ongoing management and support.</p> <p>In light of these concerns, the Ombudsman recommends that the department explore options to provide further access to support and medical services while Mr X remains in the community on a bridging visa for better management of his ongoing health concerns.</p>
