

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TBLING 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 and a half years. The previous assessment 1002502-O was tabled in Parliament on 18 October 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	1990
Ombudsman ID	1002502-O1
Date of department's reports	14 September 2017 and 15 March 2018
Total days in detention	1,276 (at date of department's latest 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.

September 2017 and March 2018	The department advised that it is supporting the Government of Nauru 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

International Health and Medical Services (IHMS) advised that Mr X underwent investigative testing in September 2017. IHMS further advised that Mr X continued to receive treatment for multiple physical health concerns and was awaiting an appointment for surgery.

IHMS further advised that Mr X had not required mental health support during this assessment period and continued to be monitored by a general practitioner.

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 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 and a half 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.

In October 2017 the Minister advised that the department was supporting the Government of Nauru 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 health concerns. His prolonged detention may pose a risk to his mental and physical health.