

**ASSESSMENT (ABRIDGED) 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 24 months (two years).

Name	Mr X
Citizenship	Country A
Year of birth	1981
Ombudsman ID	1002615-O
Date of DIBP's report	6 March 2017
Total days in detention	732 (at date of DIBP's report)

Detention history

17 October 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 859 <i>Quinhagak</i> .
21 October 2013	Transferred to Manus Island Regional Processing Centre (RPC) and on 9 March 2015 he was returned to Australia and re-detained under s 189(1).
28 August 2017	Granted a Final Departure Bridging visa and released from immigration 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 9 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>	
13 February 2017	The Minister intervened under s 197AB to grant Mr X a community placement.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X attended specialist counselling and engaged with the mental health team for the management of depression with symptoms of psychosis, post-traumatic stress disorder (PTSD) and a history of torture and trauma. He was admitted to hospital for psychiatric review and management on three occasions, was prescribed with medication and provided with support and education on coping mechanisms. During a hospital admission in February 2016, Mr X was reported as experiencing frustration, anger, anxiety, auditory hallucinations and paranoia.

On multiple occasions it was recommended by psychiatrists that Mr X be granted a community placement because remaining in an immigration detention facility would be detrimental to his health. Additionally, in January 2017 it was advised that it would be clinically inappropriate for Mr X to be returned to an RPC due to his ongoing symptoms of severe depression and PTSD which would not be effectively managed in that environment.

7 March 2015

IHMS advised that Mr X refused food and fluid and was admitted to hospital.

Ombudsman assessment/recommendation

Mr X was detained on 17 October 2013 after arriving in Australia by sea and remained in detention for a cumulative period of more than two 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.

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

The Ombudsman notes with concern Mr X's ongoing and significant mental health concerns and IHMS's advice that his condition cannot be suitably supported at an RPC.

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 Final Departure Bridging visa for better management of his ongoing health concerns.