

**ASSESSMENT (ABRIDGED) 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 remained in immigration detention for a cumulative period of more than 42 months (three and a half years). The previous assessment 1002325-O was tabled in Parliament on 1 March 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	1995
Ombudsman ID	1002325-O1
Date of DIBP's reports	22 February 2017 and 23 August 2017
Total days in detention	1,276 (at date of DIBP's latest report)

Recent detention history

28 August 2017	Granted a Final Departure Bridging visa and released from immigration detention.
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Recent visa applications/case progression

The Department of Immigration and Border Protection (the department) has advised that it is exploring options to resolve Mr X's immigration status.	
1 June 2017	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to grant Mr X a community placement.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X engaged with specialists for the management of a history of torture, an adjustment disorder and depression. He was prescribed with medication for sleeping difficulties in January 2016, and following his community placement was prescribed with antidepressants and referred to a psychiatrist and a psychologist for additional support. IHMS further advised that Mr X was prescribed with medication for the management of headaches and chest pain and was hospitalised following an alleged assault. He sustained a laceration to the back of his head and stitches were required.	
24 September 2016	An Incident Report recorded that Mr X was admitted to hospital following an alleged assault from another detainee.
28 July 2017	An Incident Report recorded that Mr X was admitted to hospital following chest pain.

Information provided by Mr X

During an interview with Ombudsman staff at Yongah Hill Immigration Detention Centre on 22 May 2017 Mr X advised that he had recently seen his case manager and had been told to wait for a community placement.

Mr X advised that he had experienced left-side chest pain for some time and had been prescribed with medication to manage the condition. He stated that IHMS had been told about his concerns and his desire to see a specialist, but he had been told he needed to wait. Mr X advised that his sleep was disturbed and he only slept for one or two hours at a time. He stated that he engaged with the mental health team, and had been prescribed with medication to manage his mental health concerns.

Mr X stated that he thought the immigration detention facilities were satisfactory, and that he occasionally took part in sport and English classes when he was feeling well. He was visited by organisations at the immigration detention facility, and he had family overseas who he spoke to on the phone fortnightly or monthly.

Ombudsman assessment/recommendation

Mr X was detained on 20 October 2013 after arriving in Australia by sea and remained in detention for a cumulative period of more than three and a half years with no processing of his protection claims.

Mr X was transferred to a regional processing centre and returned to Australia. The department advised that it is exploring options to resolve Mr X's immigration status.

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

The Ombudsman's previous assessment (1002325-O) recommended that priority be given to exploring options to enable the resolution of Mr X's immigration status.

On 1 March 2017 the Minister noted the recommendation and advised that the department continues to identify options to resolve Mr X's immigration status.

Noting that there is currently no clear processing pathway for Mr X, the Ombudsman recommends that the department make arrangements for the processing of his protection claims.