

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 102/06

This is the second s 486O report by the Ombudsman on Mr X as he has remained in immigration detention since the Ombudsman's first report (64/06). The Ombudsman's first report was sent to the Minister on 18 May 2006 and tabled in Parliament on 20 June 2006. This report updates the material in that report and should be read in conjunction with it.

Principal facts

Current immigration status

1. Mr X remains in detention at Villawood Immigration Detention Facility (IDF).

Removal details

2. DIMA advises that there are no removal steps being undertaken for Mr X at this time.

Ombudsman consideration

3. A second DIMA report was provided to the Ombudsman under s 486N dated 7 July 2006. The Ombudsman sighted a DIMA Ministerial Submission on Mr X dated 4 April 2006; a psychiatric report by a Consultant Psychiatrist, dated 18 August 2006; a Professional Support Services, Psychology Summary Report, by a psychologist dated 8 September 2006; a report from DIMA Detention Health Services Branch dated 18 September 2006.

Key issues

Health and welfare

4. Since May 2006, Mr X has contacted the Ombudsman's office numerous times by telephone and fax and expressed his concerns that he is still being tortured and subjected to electric shocks for extended periods (by GSL and DIMA staff) at Villawood IDF. Mr X voluntarily attended an external psychiatric assessment in Sydney on 10 August 2006. Mr X told Ombudsman staff that he had chosen to pay for the appointment, but that the cost may limit his future access to the specialist. Mr X continues to see his external General Practitioner.
5. The Consultant Psychiatrist has diagnosed Mr X as having a Chronic Delusional Disorder with persecutory beliefs. The Consultant Psychiatrist reported that Mr X does not have a Schizophrenic Disorder; he does not display hallucinations or disorganised thoughts. The Consultant Psychiatrist stated that Mr X has a '*marked lack of insight into his condition*' and indicated '*A trial with an anti psychotic medication would certainly be worthwhile*'. The Consultant Psychiatrist stated '*I would accept that Mr X's level of distress and experience of emotional pain is high*'. The Consultant Psychiatrist's opinion was that Mr X lacked the capacity to consent to, or to refuse, treatment and lacked the capacity to weigh such decisions.
6. Detention Health Services Branch advises that Mr X refused an offer of voluntary hospitalisation in September 2006 and guardianship options are currently being pursued by DIMA.

Attitude to removal

7. The Consultant Psychiatrist reported that Mr X did not wish to return to Turkey, that his father was dead and he had no contact with his mother, whom Mr X believed lived in Turkey.