

Other detention issues

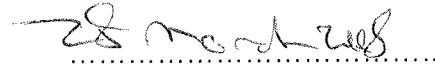
9. DIAC advises that Mr X was relocated from Stage 2 to Stage 1 of Villawood IDC on 30 November 2007 due to management issues.

Ombudsman assessment/recommendation

10. Mr X has now been in immigration detention for over two and a half years. In Report 359/08 the Ombudsman highlighted that Mr X suffers from significant mental health issues and that his health may worsen the longer he remains in detention. Report 359/08 stressed the need for active steps to be *'taken by the Department to resolve Mr X's immigration status or to arrange for his removal from Australia as soon possible'*.
11. DIAC advises that Mr X remains uncooperative and refuses to sign a passport application. The Embassy of the Russian Federation have advised that Russian law prevents the issuing of a passport or a travel document to Russian nationals who refuse to sign the application form. DIAC has obtained legal advice confirming this as well as advice from DIAC's Moscow Office.
12. DIAC is currently drafting a s 195A submission for the Minister's consideration and an assessment is being undertaken for consideration of Mr X's community detention.
13. The Ombudsman **recommends** that DIAC expedite Mr X's s 195A submission and that the Minister make a decision on this submission in relation to his detention intervention powers as soon as possible.



Prof. John McMillan
Commonwealth and Immigration Ombudsman



Date