




Mr X, and in his reports of 29 August 2007 and 23 October 2007 noted that Mr X's examination was 'unremarkable'.

8. The PSS report advised that Mr X has been referred to Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) for an assessment.

### **Ombudsman assessment/recommendation**

9. In Report 238/07 the Ombudsman did not make any recommendation but stated that at the time of completing his next s 486O report on Mr X, the Ombudsman would review Mr X's circumstances, considering any impact of detention on his health and the suitability of continued detention.
10. The Ombudsman notes Mr X's case is one of those about which the Minister announced he would consult the Ombudsman prior to making a decision.
11. Mr X has been in detention for over three years. The issue of current concern in Mr X's case is whether he should remain in detention while DIAC awaits a travel document from the PRC Consulate to effect his removal. The Ombudsman notes that DIAC has been waiting for over 12 months for a travel document.
12. The Ombudsman notes that the Minister has recently declined to intervene in Mr X's case to allow him to lodge a fresh Protection Visa application. Removal of Mr X now appears to be the likely outcome dependant upon the issue of travel documents and his fitness to travel. The Ombudsman makes no recommendation in this report but notes that if Mr X remains in an immigration detention centre, the Ombudsman will be completing another report under s 486O within the next few months and will at that time likely recommend that the Minister place Mr X in Community Detention while the issues concerning his immigration status and removal from Australia are resolved.

  
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Prof. John McMillan  
Commonwealth and Immigration Ombudsman

28 April 2008  
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Date