

# REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

*Under s 486O of the Migration Act 1958*

*Personal identifier: 482/08*

This is the sixth s 486O report by the Ombudsman on Mr X as he has remained in immigration detention since the Ombudsman's fifth report. The Ombudsman's first report (66/06) was sent to the Minister on 18 May 2006 and tabled in Parliament on 20 June 2006. The Ombudsman's combined second and third report (144/07) was sent to the Minister on 3 May 2007 and tabled in Parliament on 13 June 2007. The Ombudsman's fourth report (367/08) was sent to the Minister on 14 February 2008 and tabled in Parliament on 14 May 2008. The Ombudsman's fifth report (393/08) was sent to the Minister on 31 March 2008 and tabled in Parliament on 14 May 2008. This report updates the material in those reports and should be read in conjunction with them.

## **Principal facts**

### *Current immigration status*

1. Mr X remains an unlawful non-citizen detained in the community.

### *Visa applications*

2. The Department's (DIAC) combined submission under s 195A/351 of the *Migration Act 1958* was considered in the Minister's review of long term detainees (May 2008); the Minister indicated he would consider granting Mr X a Resident Return Visa (RRV) under s 195A subject to health and character checks (April 2008); s 351 request finalised (April 2008).

### *Removal details*

3. DIAC advises that if Mr X is not granted a visa, removal arrangements will be progressed.

## **Ombudsman consideration**

4. DIAC's report to the Ombudsman under s 486N is dated 31 July 2008.
5. Ombudsman staff spoke with Mr X by telephone on 23 May 2008.
6. Ombudsman staff sighted a medical summary report from International Health and Medical Services dated 1 August 2008 and a letter from Mr X to the Ombudsman's office dated 19 July 2008.

## **Key issues**

### *Health and welfare*

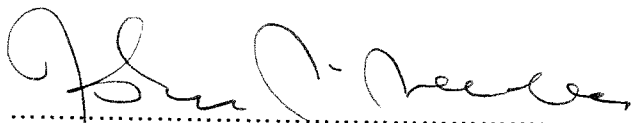
7. DIAC advises that Mr X continues to take antipsychotic and antidepressant medication. IHMS reported that Mr X has ongoing psychological counselling relating to his anxiety and depression.

### *Other detention issues*

8. Mr X informed the Ombudsman's office that he has strong community support in South Australia. He said that if he is granted a visa, he plans to move to South Australia and undertake nursing training.

**Ombudsman assessment/recommendation**

9. The Ombudsman notes that the Minister is considering granting Mr X a RRV subject to health and character checks that are being undertaken. If Mr X is successful in obtaining a visa, the Ombudsman **recommends** that DIAC refer him to appropriate community based mental health services to facilitate transfer to ongoing mental health support in the community.



Prof. John McMillan  
Commonwealth and Immigration Ombudsman

8 October 2008

Date