

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 493/08*

This is the fourth s 486O report by the Ombudsman on Mr X as he had remained in immigration detention following the Ombudsman's third report. The Ombudsman's combined first and second report (354/08) was sent to the Minister on 9 January 2008 and tabled in Parliament on 12 March 2008. The Ombudsman's third report (387/08) 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.

## Case Overview

### *Visa applications*

1. The Department (DIAC) initiated a request for consideration of the Minister's detention intervention powers under s 195A of the *Migration Act 1958* but Mr X's case was assessed as not meeting the guidelines (January 2008). DIAC initiated a request under s 197AB (February 2008) and this was assessed as meeting the guidelines (March 2008). Mr X was placed in Community Detention on 20 May 2008.
2. As part of the Minister's review of long term detainees (May 2008), the Minister considered Mr X's outstanding combined s 417/48B request of October 2007 and agreed to consider granting Mr X a Global Special Humanitarian Visa (GSHV) subject to relevant checks (May 2008). Mr X was granted a GSHV on 23 October 2008 and was released from detention.

## Ombudsman consideration

3. DIAC's further report to the Ombudsman under s 486N is dated 4 July 2008.
4. Ombudsman staff sighted a medical summary report by International Health and Medical Services (IHMS) dated 27 June 2008.

## Key issues


### *Health and welfare*

5. The IHMS report notes that Mr X 'was stable psychologically and settling relatively well in the community' and that no significant mental health issues were identified.

## Ombudsman assessment/recommendation

6. The Ombudsman notes that Mr X is now the holder of a GSHV and makes no recommendations in this report.

  
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Prof. John McMillan  
Commonwealth and Immigration Ombudsman

  
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Date