

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 500/08

This is the second s 486O report by the Ombudsman on Mr X as he had remained in immigration detention following the Ombudsman's first report (465/08). The Ombudsman's first report was sent to the Minister on 18 September 2008 and tabled in Parliament on 15 October 2008. This report updates the material in that report and should be read in conjunction with it.

Case overview

1. The Department (DIAC) withdrew from proceedings in the Federal Magistrate's Court and Mr X's request for a Protection Visa (PV) was remitted to the Refugee Review Tribunal (RRT) (April 2008); a submission under s 195A of the *Migration Act 1958* was referred to the Minister as part of the current review of people in detention (August 2008), the Minister declined to intervene (September 2008); the RRT remitted the PV refusal decision to DIAC with the direction that Mr X is a person to whom Australia has protection obligations under the Refugee Convention (September 2008); on 12 November 2008 Mr X was granted a PV and released from detention.

Ombudsman consideration

2. DIAC's further report to the Ombudsman under s 486N is dated 2 October 2008.
3. Ombudsman staff sighted a medical summary report from International Health and Medical Services (IHMS) dated 16 September 2008.

Key issues

Health and welfare

4. IHMS advises that Mr X's health care has been managed by a community medical practice since his transfer to Community Detention in July 2008. Mr X has consulted a GP for recurrent lower back pain and was referred for physiotherapy treatment. IHMS advises that no significant health issues have been identified.

Ombudsman assessment/recommendation

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



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Prof. John McMillan
Commonwealth and Immigration Ombudsman



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Date