

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 515/09*

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 (450/08). The Ombudsman's first report was sent to the Minister on 13 August 2008 and tabled in Parliament on 24 September 2008. This report updates the material in that report and should be read in conjunction with it.

## Principal facts

### *Visa applications*

1. Mr X's case was referred to the Minister (September 2008) as part of the review of long term detainees with decision to progress removal; request under s 417/48B of the *Migration Act 1958* did not meet guidelines for referral to the Minister (November 2008).

### *Removal details*

2. Mr X was removed from Australia on 21 November 2008.

## Ombudsman consideration

3. The Department's (DIAC) further report to the Ombudsman under s 486N is dated 15 October 2008.
4. Ombudsman staff sighted a medical summary report by International Health and Medical Services (IHMS) dated 25 August 2008.

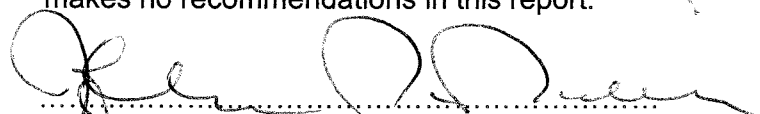
## Key issues

### *Health and welfare*

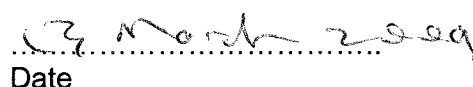
5. IHMS reports that a Mental State Examination (MSE) was conducted on 30 June 2008, which noted that Mr X's *'sleep was poor and he was anxious. Mr X declined any medical intervention to assist'*.
6. DIAC advises that Mr X was placed on Suicide and Self Harm watch for five days in May 2008. The MSE conducted in June 2008 noted that Mr X did not express *'thoughts of self harm or harm to others'*.

## Ombudsman assessment/recommendation

7. Mr X came to Australia as a student on a Schools Sector Visa (SSV) in April 2003. In May 2005 he applied for a third SSV, which was refused as he had failed subjects. Mr X became an unlawful non-citizen in June 2005 and he was detained in March 2006. Mr X spent two years and eight months in an immigration detention centre.
8. The Ombudsman notes that Mr X was removed from Australia in November 2008 and makes no recommendations in this report.



Prof. John McMillan  
Commonwealth and Immigration Ombudsman



Date