

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 518/09

Case Overview

1. Mr X is aged 33 and is a citizen of Nigeria.
2. Mr X arrived in Australia on a Business Short Stay Visa in October 2006 and was detained under s 189(1) of the *Migration Act 1958*. He was transferred to Villawood Immigration Detention Centre (IDC) where he remained until he was moved to Sydney Immigration Residential Housing in March 2008. In June 2008 Mr X was placed in Community Detention (CD).
3. Mr X lodged a Protection Visa (PV) application, associated Bridging Visa application deemed invalid (November 2006); the Department (DIAC) refused PV application (December 2006); refusal affirmed by the Refugee Review Tribunal (RRT) (April 2007); decision appealed to the Federal Magistrate's Court (FMC); matter remitted to the RRT (August 2007); DIAC initiated a s 197AB request (September 2007); RRT reaffirmed the decision not to grant a PV (December 2007); Mr X appealed to the FMC (January 2008), withdrew (February 2008); s 197AB request referred to the Minister (June 2008); the Minister agreed to place Mr X into Community Detention; s 417 request lodged, assessed as meeting the guidelines (August 2008); DIAC initiated a s 195A submission as part of the Minister's further review of long term detainees (September 2008); the Minister granted Mr X a Global Special Humanitarian Visa (GSHV) on 20 February 2009.

Ombudsman's consideration

4. DIAC's report to the Ombudsman under s 486N is dated 1 October 2008.
5. Ombudsman staff interviewed Mr X on 19 November 2008.
6. Ombudsman staff sighted a medical summary report from International Health and Medical Services dated 16 September 2008.

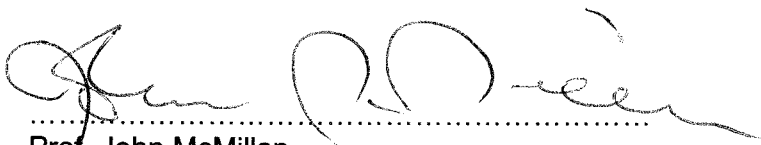
Key Issues

Health and welfare

7. Mr X reported a history of torture and trauma and was referred to the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors.
8. Mr X told Ombudsman staff at interview that he continues to see a psychologist. He indicated that he would like to be able to work while in CD as he has a lot of time on his hands but is scared to even associate with people working as he has seen the problems working illegally can create from people in Villawood IDC.

Ombudsman assessment/recommendation

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



Prof. John McMillan
Commonwealth and Immigration Ombudsman



Date