

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 519/09

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 (455/08). The Ombudsman's first report was sent to the Minister on 4 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. Mr X lodged a request under s 417 of the *Migration Act 1958* (April 2008) and provided additional information in support of his request; s 195A request initiated and assessed as not meeting the guidelines for referral to the Minister (May 2008). Mr X's case was referred as part of the Minister's further review of long term detainees, the Minister declined to intervene (September 2008). Additional information was translated and a combined s 417/48B submission referred to the Minister; the Minister intervened under s 48B to allow Mr X to lodge a fresh Protection Visa (PV) application (December 2008); PV granted on 12 February 2009 and Mr X was released from detention.

Ombudsman consideration

2. The Department's (DIAC) further report to the Ombudsman under s 486N is dated 15 October 2008.
3. Ombudsman staff sighted a medical summary report from International Health and Medical Services (IHMS) dated 21 October 2008.


Key issues


Health and welfare

4. DIAC reports that a Mental State Examination was conducted on 23 July 2008 and no mental health concerns were identified. IHMS advises that '*Sleep was noted to be poor at times and appetite decreased*'.

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