

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 522/09

This is the fourth s 486O report by the Ombudsman on Mr X as he has remained in immigration detention since the Ombudsman's third report. The Ombudsman's first report (359/08) was sent to the Minister on 14 January 2008 and tabled in Parliament on 12 March 2008. The Ombudsman's second report (392/08) was sent to the Minister on 31 March 2008 and tabled in Parliament on 14 May 2008. The Ombudsman's third report (483/08) was sent to the Minister on 9 October 2008 and tabled in Parliament on 25 November 2008. This report updates the material in those reports and should be read in conjunction with them.

Principal facts

Visa applications

1. The Department (DIAC) advises that it is continuing to obtain the necessary clearances for the grant of a Removal Pending Bridging Visa (RPBV)

Current immigration status

2. Mr X remains an unlawful non-citizen detained in the community.

Removal details

3. DIAC advises that in February 2009 Mr X completed the documents required for an offshore character check and the Russian Consulate has advised that this will take four to six months to process.

Ombudsman consideration

4. DIAC's further report to the Ombudsman under s 486N of the *Migration Act 1958* is dated 22 December 2008.
5. Ombudsman staff spoke with an Australian Red Cross (ARC) officer by telephone on 11 February 2009 and with Mr X by telephone on 13 February 2009.
6. Ombudsman staff sighted a medical summary report from International Health and Medical Services (IHMS) dated 9 December 2008.

Key issues

Health and welfare

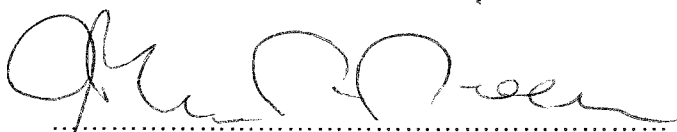
7. The IHMS report states that '*no significant medical or mental health issues noted since last report*'.
8. Mr X told Ombudsman staff that while he was initially relieved to transfer from Villawood Immigration Detention Centre to Community Detention (CD), he was feeling increasingly isolated and house-bound. The ARC officer commented that she noticed a marked improvement when Mr X first transferred to CD, but she felt that his mental health had recently declined.

Other detention issues

9. Mr X told Ombudsman staff that he is separated from his wife but has regular contact with his daughter who attends high school in Sydney.
10. Mr X stated that while he appreciates the support given by the ARC, he wanted to be able to do something useful with his time, for example, he would like to be able to volunteer in Victoria to assist the victims of the February 2009 bushfires.

Ombudsman assessment/recommendation

11. There have been no changes to Mr X's status since the Ombudsman's previous Report 483/08.
12. The Ombudsman notes that there are signs that Mr X's mental health may be in decline. Mr X is undergoing the relevant checks for the grant of a RPBV and the Ombudsman makes no recommendations in this report.



Prof. John McMillan
Commonwealth and Immigration Ombudsman



Date