

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 528/09

This is the eighth s 486O report by the Ombudsman on Mr X as he had remained in immigration detention following the Ombudsman's seventh report. The Ombudsman's combined first and second report (51/06) was sent to the Minister on 6 March 2006 and tabled in Parliament on 10 May 2006. The Ombudsman's combined third, fourth and fifth report (230/07) was sent to the Minister on 13 September 2007 and tabled in Parliament on 13 February 2008. The Ombudsman's sixth report (396/08) was sent to the Minister on 4 April 2008 and tabled in Parliament on 14 May 2008. The Ombudsman's seventh report (470/08) was sent to the Minister on 18 September 2008 and tabled in Parliament on 15 October 2008. This report updates the material in those reports and should be read in conjunction with them.

Principal facts

Visa applications

1. On 25 February 2009 the Minister granted Mr X a Removal Pending Bridging Visa (RPBV), which Mr X accepted on 6 March 2009.

Current immigration status

2. Mr X resides lawfully in the community.

Removal details

3. The Department (DIAC) advises that Mr X's removal is dependent on the outcome of his Ministerial request under s 501J of the *Migration Act 1958*, which in turn is not being progressed while the outcome of the Interim Measures Request (IMR) issued by the United Nations Committee Against Torture, remains outstanding.

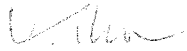
Ombudsman consideration

4. DIAC's further report to the Ombudsman under s 486N is dated 21 November 2008.
5. Ombudsman staff spoke to Mr X by telephone on 18 December 2008.
6. Ombudsman staff sighted a medical summary report by International Health and Medical Services (IHMS) dated 10 November 2008.

Ombudsman assessment/recommendation

7. Mr X was detained from April 2002 for almost seven years until he was granted a RPBV.
8. The Ombudsman recognises that Mr X's case was not straightforward; however, the possible indefinite nature of Mr X's detention was foreseen since the Ombudsman's combined first and second report (51/06). Mr X was in a confined immigration detention facility longer than any other current detainee and regardless of the complexities of Mr X's case, it is of serious concern to the Ombudsman that it took close to seven years for Mr X's detention to end.

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



.....
Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman



.....
Date