

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 531/09

This is the fourth s 486O report by the Ombudsman on Mr X as he had remained in immigration detention following the Ombudsman's third report. The Ombudsman's combined first and second report (408/08) was sent to the Minister on 17 April 2008 and tabled in Parliament on 14 May 2008. The Ombudsman's third report (475/08) 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.

Case overview

1. Mr X sought merits review at the Refugee Review Tribunal (RRT) of the Department's (DIAC) decision to refuse a Protection Visa (PV) (July 2008). The RRT remitted the decision to DIAC with direction that Mr X meets the definition of a refugee (December 2008). On 19 February 2009 Mr X was granted a Protection Visa (PV).
2. Mr X resides lawfully in the community.

Ombudsman consideration

3. DIAC's further report to the Ombudsman under s 486N of the *Migration Act 1958* is dated 19 November 2008.
4. Ombudsman staff sighted a medical summary report from International Health and Medical Services (IHMS) dated 28 October 2008 and a psychological summary report from Professional Support Services dated 6 November 2008.


Key issues

Health and welfare

5. IHMS noted that while Mr X lived in a community detention arrangement he would still 'need to access specialist services on a regular basis' as he suffers from coronary heart disease for which he takes anti-hypertensive medications.

Ombudsman assessment/recommendation

6. The Ombudsman notes that Mr X was granted a PV on 19 February 2009 and makes no recommendations in this report.


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Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman

17 Apr 11 2009
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Date