

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 532/09

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 (507/09). The Ombudsman's first report was sent to the Minister on 7 January 2009 and tabled in Parliament on 4 February 2009. This report updates the material in that report and should be read in conjunction with it.

Principal facts

Visa applications

1. Mr X's combined request under s 417/48B of the *Migration Act 1958* of November 2008 was referred to the Minister on a schedule; Protection Visa (PV) application lodged (November 2008); applied for a Bridging Visa, withdrawn (January 2009); the Department (DIAC) refused PV application, the Minister declined to intervene in s 417 request, s 48B request was not referred to the Minister (February 2009); Mr X unsuccessfully lodged a further PV request (February 2009); s 417 request lodged (February 2009), supplied additional supporting documentation as requested by DIAC (March 2009); finalised.

Removal details

2. DIAC advises that Mr X was removed from Australia on 8 April 2009.

Ombudsman consideration

3. DIAC's further report to the Ombudsman under s 486N is dated 20 March 2009.
4. Ombudsman staff sighted a medical summary report from International Health and Medical Services (IHMS) and a psychological summary report from Professional Support Services both dated 5 March 2009.

Key issues

Health and welfare

5. The IHMS report notes that a Mental State Examination was conducted on 7 November 2008 'at which time sleep was noted to be impaired'.
6. The PSS report advises that 'Mr X presented with ... low mood, feeling of anxiety, sleep disturbances, poor appetite and persistent fear of deportation and persecution if returned to China' and that 'his predominant concern is his situational distress'.

Ombudsman assessment/recommendation

7. The Ombudsman notes that Mr X was removed from Australia in April 2009 and makes no recommendations in this report.

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

17 April 2009
.....
Date