

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 256/07

This is the second s 486O report by the Ombudsman on Mr X as he remained in immigration detention following the Ombudsman's first report (4/05). The Ombudsman's first report was sent to the Minister on 21 November 2005 and tabled in Parliament on 9 February 2006. This report updates the material in that report and should be read in conjunction with it.

Case overview

1. The Department (DIAC) advised that Mr X was transferred into an Alternative Detention arrangement in December 2005. A submission under s 195A of the *Migration Act 1958* in July 2006 resulted in the Minister granting Mr X a 12-month Temporary Humanitarian Visa and releasing him from detention. A submission under s 501 resulted in the Minister granting Mr X a Global Special Humanitarian Visa (GSHV) on 13 September 2007.

Ombudsman consideration

2. DIAC's reports to the Ombudsman under s 486N are dated 11 January 2006 and 7 July 2006.
3. Ombudsman staff interviewed Mr X by telephone on 23 August 2006.
4. Ombudsman staff sighted a Professional Support Services (PSS) psychology summary report dated 4 July 2006.

Key issues

Health and welfare

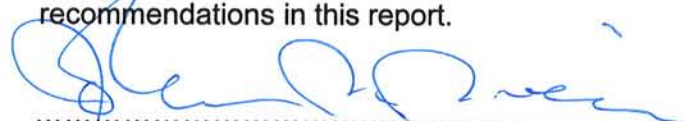
5. The PSS report noted that Mr X presented as depressed with a high level of anxiety. DIAC noted that Mr X was assessed by a psychiatrist on several occasions and it was suggested that he take antidepressant medication and voluntarily admit himself to Glenside Hospital, which he declined.
6. Mr X told Ombudsman staff that after his release from detention, he continued to take antidepressant medication and was being referred to a psychologist.

Other detention issues

7. Mr X raised several issues regarding the seven months he spent in an Alternative Detention arrangement in a motel. He said he had little privacy, always having to leave a door open in each room so he could be heard or observed by a guard. He also said that he was searched in public areas of the motel with an electronic wand. He said he felt other customers regarded him as a criminal; he had protested strongly and eventually the practice ceased.

Ombudsman assessment/recommendation

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



Prof. John McMillan
Commonwealth and Immigration Ombudsman



Date