

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 599/10

This is the first s 486O report by the Ombudsman on Mr X as he remained in immigration detention for over two years. Mr X was previously reviewed by the Ombudsman and a report was sent to the Secretary of the Department on 25 February 2010, in accordance with the August 2008 agreement with the Minister that the Ombudsman should regularly review all cases where a person has been held in detention for six months or more.

Case overview

1. Mr X is aged 42 and is a citizen of Nigeria. He stated to Ombudsman staff that his wife and four children are in Nigeria.
2. On 15 March 2008, Mr X arrived in Australia on route to New Zealand. He was refused uplift by Air New Zealand and his South African passport was found to be fraudulent. The Department (DIAC) refused Mr X immigration clearance, detained him under s 189(1) of the *Migration Act 1958* and transferred him to Maribyrnong Immigration Detention Centre (IDC). On 15 April 2009 he was placed in Community Detention.
3. DIAC's decision to refuse Mr X's application for a Protection Visa in May 2008 was affirmed by the Refugee Review Tribunal in August 2008. A request under s 48B was not referred to the Minister in March 2009 and an intervention under s 417 was not considered in April 2009.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 26 March 2010.
5. Ombudsman staff sighted a medical summary report from International Health and Medical Services (IHMS) dated 10 March 2010.

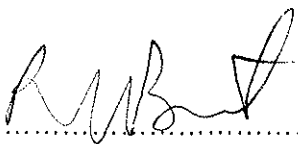
Key issues

Health and welfare

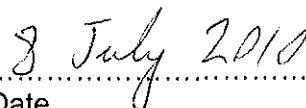
6. Mr X was diagnosed with Major Depression while detained at Maribyrnong IDC and was placed on Suicide and Self Harm observations on several occasions. He was admitted to a Private Hospital from 1 October to 11 November 2008 and from 11 February 2009 until 14 April 2009 when he was transferred to Community Detention. Mr X continued to receive treatment for depression in the community.
7. DIAC advises that IHMS was actively involved in removal planning to ensure that mental health concerns were addressed prior to and during removal.
8. Mr X's supporter expressed concern to the Ombudsman's office that Mr X was not given sufficient notice of his removal to make adequate arrangements for his safety and wellbeing in Lagos.

Ombudsman assessment/recommendation

9. The Ombudsman notes that Mr X was removed from Australia on 12 April 2010 and makes no recommendations in this report.



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Ron Brent
Acting Commonwealth and Immigration Ombudsman



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Date