

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 282/07

Case overview

1. Mr X is aged 31 and is a citizen of Indonesia.
2. On 7 May 2005 Mr X was apprehended aboard a fishing vessel in Australian waters. On 13 May 2005 the cook of the vessel poured hot oil on him, resulting in burns to 35 % of his body. On 16 May 2005 he was detained under s 189(1) of the *Migration Act 1958* and placed at the Royal Adelaide Hospital until October 2005, when he was transferred to Perth Immigration Detention Centre, and later to Perth Immigration Residential Housing.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in June 2006 was remitted to DIAC by the Refugee Review Tribunal in April 2007. On 29 May 2007 Mr X was granted a permanent PV and released from detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 17 May 2007.
5. Ombudsman staff were unable to contact Mr X to interview him.
6. Ombudsman staff sighted a report by International Health and Medical Services (IHMS) dated 16 May 2007.

Key issues

Health and welfare

7. IHMS advises that due to the burns received by Mr X in May 2005, his medical treatment has been complex. He has undergone skin grafts and reconstructive surgery and wears a pressure suit.

Ombudsman assessment/recommendation

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



Prof. John McMillan
Commonwealth and Immigration Ombudsman



Date