

# **REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN**

*Under s 486O of the Migration Act 1958*

*Personal identifier: 240/07*

This is the fifth s 486O report by the Ombudsman on Mr X as he has remained in immigration detention since the Ombudsman's combined first, second, third and fourth report (136/07). The Ombudsman's report was sent to the Minister on 26 March 2007 and tabled in Parliament on 9 May 2007. This report updates the material in that report and should be read in conjunction with it.

## **Principal facts**

### *Visa applications*

1. A combined s 417/48B request made on behalf of Mr X (May 2007), request assessed as not meeting the guidelines for referral to the Minister (October 2007).

### *Current immigration status*

2. Mr X is an unlawful non-citizen detained at Villawood Immigration Detention Centre (IDC).

### *Removal details*

3. DIAC advises that Mr X was scheduled for removal from Australia on 22 October 2007 however his removal has been deferred.

## **Ombudsman consideration**

4. DIAC's further report to the Ombudsman under s 486N of the *Migration Act 1958* is dated 31 May 2007 and the Minister's Statement to Parliament is dated 4 May 2007.
5. Ombudsman staff interviewed Mr X by telephone on Monday 8 October 2007.
6. The Ombudsman sighted a Professional Support Services (PSS) psychology summary report dated 17 May 2007, and an International Health and Medical Services (IHMS) report dated 8 October 2007.

## **Key issues**

### *Health and welfare*

7. The PSS report indicates that Mr X presents with *'anxiety particularly re prospect of being returned to China. Mild depression. Anger and frustration with detention system. Some paranoid ideation.'* PSS offered Mr X a referral to the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors, which he refused.
8. The IHMS report states that Mr X *'has chronic schizophrenia characterised by paranoid delusion and auditory hallucinations ... he was last consulted by the Psychiatrist on 18/9/07 ... he remains not detainable under the Mental Health Act.'* IHMS advises that Mr X *'continues to decline anti-psychotic medications and has declined to attend some psychiatric consultations'*. At interview with Ombudsman staff Mr X said that he has been prescribed medication but that he *'dare not take it because I am scared it will poison me slowly'*. IHMS advises that while Mr X's medical conditions *'can be adequately managed in an IDC'* they *'would be more appropriately cared for in a less restrictive environment'*.

#### *Attitude to removal*


9. At interview with Ombudsman staff Mr X stated that if he was forced to go back to the PRC he would be arrested by government officials and that *'I will commit suicide and you can thank the Australian Government for me ... there is no point to live if I have to go back I will die, so I may as well die here'*.

#### *Community links*

10. Mr X stated that he has many supportive contacts in the community including the members of his Christian church group. He stated that he has several friends who would be willing to support him in the community. Mr X said he is an engineer by trade and that he would like the opportunity to use his skills to *'contribute to the Australian community'*.

#### **Ombudsman assessment/recommendation**

11. Mr X has now spent over five years in immigration detention. The length of Mr X's detention and his mental health are matters of concern. Mr X has been diagnosed with chronic schizophrenia and has declined anti-psychotic medication.
12. In Report 136/07 the Ombudsman recommended that if there were any delays in obtaining travel documents for Mr X's removal, the Minister consider alternative detention arrangements, or exercise his power to grant Mr X a suitable visa with work rights. The Ombudsman is aware that Mr X's removal is imminent.
13. Given Mr X's poor mental health the Ombudsman **recommends** that close and regular monitoring of the impact of removal plans upon him be maintained, including ongoing consultation with mental health professionals. If Mr X's removal is delayed, the Ombudsman repeats his previous **recommendation** that the Minister consider alternative detention arrangements.



Prof. John McMillan  
Commonwealth and Immigration Ombudsman



Date