

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

Under s 486O of the Migration Act 1958

Personal identifier: 082/06

Principal facts

Personal details

1. Mr X is aged 40 and is a citizen of Turkey. His mother and two brothers live in Australia. Mr X arrived in Australia in August 1972 as a six year old, and was the holder of a permanent resident visa. He travelled from Australia to Turkey twice as an adult; for three months in 1989, and one month in 1997. Mr X returned to Australia in November 1997, the holder of a five year Resident Return Visa. He was previously on the Disability Support Pension.

Detention history

2. In October 2002, Mr X's visa was cancelled on character grounds, under s 501(2) of the *Migration Act 1958*. He was detained under s 189(1) in December 2002 at Villawood Immigration Detention Centre (IDC), after completing a prison sentence.

Visa applications

3. Mr X filed a draft order *nisi* application in the High Court (HC) (December 2002), which was remitted to the Federal Court (FC); his application for judicial review was dismissed by the FC (October 2003); an appeal to the Full Federal Court (FFC) was dismissed (June 2004).

Current immigration status

4. Mr X was granted a Removal Pending Bridging Visa (RPBV) on 25 November 2005 and was released from detention. He lives in the community with his mother and brothers.

Removal details

5. An application for a Turkish travel document was made in June 2004. The Turkish Deputy Consul General in Sydney advised that the application had been sent to Turkey. Turkish authorities have not yet issued a travel document. In September 2005, Departmental (DIMA) officials met with the Turkish Ambassador to discuss Mr X's return to Turkey. The Turkish Ambassador has asked that the Minister review Mr X's case.

Ombudsman consideration

6. DIMA report to the Ombudsman under s 486N was dated 28 September 2005.
7. Ombudsman staff interviewed Mr X at Villawood IDC on 14 October 2005.
8. Ombudsman staff sighted a number of documents: a psychological assessment report by Ms A, Educational and Developmental Psychologist, dated 27 February 2006; a medical summary report by the International Health and Medical Service (IHMS) dated 21 October 2005; a psychology summary report from Professional Support Services (PSS) dated 3 November 2005; a submission from the Executive Director of the Multicultural Disability Advocacy Association of NSW; copies of letters from Dr B dated 29 August and 19 September 2005; a submission for consideration of possible cancellation of Resident Return Visa under s 501(2) dated 15 October 2002; letters of support for Mr X's application received 3 November 2005; copies of citizenship certificates from members of Mr X's family.