

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 151/07*

## **Personal details**

1. Mr X is aged 41 and is a citizen of Sri Lanka of Sinhalese ethnicity. His mother, wife and four children were living in Sri Lanka when he came to Australia.

## **Detention history**

2. Mr X was detained from September 2001 until July 2005 when he was granted a Removal Pending Bridging Visa.

## **Visa applications**

3. Mr X entered Australia by boat in September 2001 and applied for a Refugee and Humanitarian Visa in January 2002. His application was deemed barred as he was erroneously determined by the Department (DIAC) to have been an 'off-shore entry person'. DIAC's decision to refuse his initial application for a Protection Visa in November 2002 was affirmed by the Refugee Review Tribunal in January 2003. Judicial review sought in the Federal Magistrate's Court in January 2003 was unsuccessful; an appeal against that decision in the Full Federal Court was dismissed in July 2004. Mr X was granted a Global Special Humanitarian Visa on 28 November 2005.

## **Ombudsman consideration**

4. The DIAC report to the Ombudsman under s 486N of the *Migration Act 1958* is dated 21 October 2005.
5. Ombudsman staff considered a range of documents related to Mr X but were unable to interview him.


## **Key issues**

### *Health and welfare*

6. DIAC advised that Mr X had been briefly transferred to Royal Adelaide and Glenside Hospitals due to concerns about his mental health, and he had been diagnosed by a psychiatrist with depression and adjustment disorder.

## **Ombudsman assessment/recommendation**

7. The Ombudsman notes that Mr X is now the holder of a Global Special Humanitarian Visa and makes no recommendations.



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Dr Vivienne Thom  
Acting Commonwealth and Immigration Ombudsman

*23 May 2007*

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Date