

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 219/07*

## **Principal facts**

### *Personal details*

1. Mr X is aged 38 and is a citizen of Bangladesh. At interview he said his parents and seven siblings reside in Bangladesh.

### *Detention history*

2. Mr X was detained from June 2002 until May 2006 when he was granted a Bridging Visa. He was granted a Global Special Humanitarian Visa (GSHV) in January 2007.

### *Visa application*

3. Mr X entered Australia on a Tourist Visa in September 1999. The Department's (DIAC) decision to refuse his initial application for a Protection Visa in October 1999 was affirmed by the Refugee Review Tribunal in June 2000. Judicial review was sought at the Federal Court, Federal Magistrates Court and High Court.

### *Ombudsman consideration*

4. DIAC's reports to the Ombudsman under s 486N were dated 23 September 2005 and 10 January 2006.
5. Ombudsman staff interviewed Mr X at Villawood IDC on 4 November 2005 and sighted a Professional Support Services (PSS) psychological summary report dated 1 December 2005.

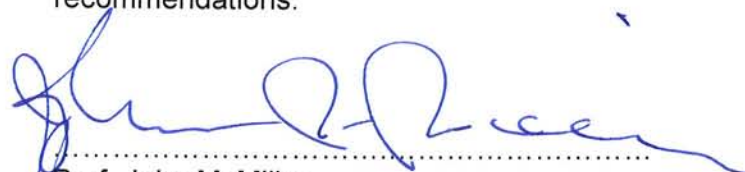
## **Key issues**

### *Health and welfare*

6. The PSS report of December 2005 indicated that Mr X had symptoms consistent with depression and had presented with *'significant hopelessness, depressed mood, fear of deportation and sleeping difficulties'*. In March 2006, Mr X was admitted to Toowong hospital where he was diagnosed with an *'Adjustment Disorder with a depressed anxious mood arising from his detention'*. Although he was discharged after two weeks, the treating doctor indicated that continued detention was likely to result in a return of his depressed mood. He was not returned to an IDC.
7. Mr X commented to Ombudsman staff that prior to his detention he *'never had a sick day and never had any cause to visit a doctor or take medication'*. Since his detention he said he *'often feels sick and requires regular medication'*. In terms of prognosis, the PSS report notes, *'He is a long-term detainee who presents with depressed mood, associated with his fear of returning to Bangladesh, and his ongoing detention situation. Without situational change, the prognosis for change is poor'*.

## **Ombudsman assessment/recommendation**

8. The Ombudsman notes that Mr X is the holder of a GSHV and makes no recommendations.

  
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Prof. John McMillan  
Commonwealth and Immigration Ombudsman

*7 August 2007*  
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Date