

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 448/08

Case overview

1. Mr X is aged 28 and is a citizen of Tanzania. Mr X's four siblings live in Tanzania and his parents are deceased.
2. Mr X arrived in Australia as a stowaway in February 2006. He was detained under s 189(1) of the *Migration Act 1958* and placed at Perth Immigration Detention Centre (IDC). Mr X was transferred to Villawood IDC in May 2006 and placed in Community Detention in November 2007.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa in May 2006 was affirmed by the Refugee Review Tribunal in December 2006. Mr X's associated Bridging Visa application was deemed invalid (April 2006); s 197AB request referred to Minister (August 2007), withdrawn (September 2007), new s 197AB request referred to Minister (October 2007); Minister intervened under s 197AB and Mr X was placed in Community Detention (November 2007); request under s 417 resulted in the Minister granting Mr X a Global Special Humanitarian Visa (GSHV) on 17 April 2008 and releasing him from detention.

Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 20 February 2008.
5. Ombudsman staff interviewed Mr X on 21 February 2008.
6. Ombudsman staff sighted a medical summary report from International Health and Medical Services (IHMS) dated 21 February 2008.

Key issues

Health and welfare


7. IHMS reported that Mr X *'has a history of depression, anxiety and self harm'* and he was prescribed antidepressant and antipsychotic medication. Mr X was referred to the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors regarding his background of torture and trauma but he declined the referral.
8. Mr X had regular contact with the Mental Health Team in Villawood IDC and was supported by the Australian Red Cross while in Community Detention.

Other detention issues

9. Mr X spent five months in Community Detention and at interview with Ombudsman staff he said that after moving from Villawood IDC to Community Detention he felt *'happy and excited but little by little ... I lost courage'*. He explained that he had nothing to do, had no motivation and found it difficult to concentrate.

Ombudsman assessment/recommendation

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


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Dr Vivienne Thom
Acting Commonwealth and Immigration Ombudsman

15 July 2008
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Date