

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 257/07

This is the second s 486O report by the Ombudsman on Mr X as he remained in immigration detention following the Ombudsman's first report (36/06). The Ombudsman's first report was sent to the Minister on 17 January 2006 and tabled in Parliament on 29 March 2006. This report updates the material in that report and should be read in conjunction with it.

Case overview

1. Mr X was granted a permanent Protection Visa (PV) and released from Villawood Immigration Detention Centre (IDC) on 31 January 2006, after six and a half years in immigration detention.

Ombudsman consideration

2. DIAC's further report to the Ombudsman under s 486N is dated 9 January 2006.
3. Ombudsman staff spoke to Mr X by telephone on 28 June 2006.
4. Ombudsman staff sighted a psychiatric report by Dr A dated 28 January 2006 and numerous letters of support from the community.

Key issues

Health and welfare

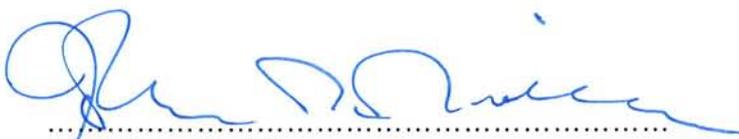
5. Report 36/06 noted that Mr X was diagnosed as suffering from Major Depression. Dr A noted that *'as the months have passed and he remains in Villawood with no explanation of cause or process ... This has precipitated an already depressed and traumatised man into acute depression. The impact on his wife and children is also considerable'*. The report further noted that his symptoms were consistent with a diagnosis of Major Depressive Disorder with secondary features of anxiety and Post-traumatic Stress Disorder.
6. Mr X told Ombudsman staff that since being released from detention he has regularly consulted a psychologist. Mr X also said that his wife has been suffering from stress and depression and that his family were still suffering the effects of his absence, stating that they had to grow up in Australia without him.

Release issues

7. At interview Mr X was critical of the government for detaining him and stated that he wanted to receive an apology and compensation from DIAC.
8. Mr X stated that his family of three children had been unable to get suitable accommodation and this had added to their hardship. They were living in a private rental two-bedroom apartment on the first floor. Mrs X has had two knee reconstructions and a disc injury to her back. Mr X attributes her physical problems to the stress of transporting their children to visit him weekly at Villawood IDC. Mrs X has reportedly been on the public housing list for six years.

Ombudsman assessment/recommendation

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


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Prof. John McMillan
Commonwealth and Immigration Ombudsman

2 November 2007
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Date