

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

*Under s 486O of the Migration Act 1958*

*Personal identifier: 274/07*

## Case overview

1. Mr X is aged approximately 27 and is a citizen of Afghanistan.
2. Mr X arrived in Australia by boat in April 2001. He was detained under s 189(2) of the *Migration Act 1958* and placed at Woomera Immigration and Reception Processing Centre (IRPC). He absconded in March 2002, however in January 2003 he was re-detained under another identity and placed at Maribyrnong Immigration Detention Centre (IDC). After being released from detention on a Bridging Visa in February 2004, he was re-detained three months later for violating the residency provisions of that visa. In June 2004 he was placed at Baxter IDC.
3. The Department's (DIAC) decision to refuse Mr X's application for a Protection Visa (PV) in July 2001 was affirmed by the Refugee Review Tribunal in September 2001. He unsuccessfully sought judicial review at the Federal Court. A request under s 48B resulted in the Minister allowing Mr X to lodge another PV claim. On 5 October 2005 Mr X was granted a Temporary Protection Visa (TPV) and released from detention.

## Ombudsman consideration

4. DIAC's report to the Ombudsman under s 486N is dated 29 March 2006.
5. Ombudsman staff were unable to contact Mr X to interview him.
6. Ombudsman staff sighted a psychological summary report from Professional Support Services (PSS) dated 27 March 2006 and a report from International Health and Medical Services (IHMS) dated 31 March 2006.

## Key issues

### *Health and welfare*

7. The IHMS report noted that Mr X was depressed and anxious in detention and that these conditions were '*largely related to his detention experience*'. The PSS report noted that Mr X saw counsellors between September 2004 and September 2005. It was noted that he displayed symptoms of a '*Minor Depressive Episode*' and that he presented with issues relating to stress and frustration. He was placed on Suicide and Self Harm watch for 11 days in September 2005 after deliberately injuring his hands.

## Ombudsman assessment/recommendation

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



Prof. John McMillan  
Commonwealth and Immigration Ombudsman



Date